



California Regulatory Notice Register

REGISTER 2006, NO. 28-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JULY 14, 2006

PROPOSED ACTION ON REGULATIONS

TITLE 03. DEPARTMENT OF FOOD & AGRICULTURE

Bactrocera Zonata Interior Quarantine — Notice File No. Z06-0630-02 929

TITLE 10. DEPARTMENT OF INSURANCE

Self-Service Storage Agent License — Notice File No. Z06-0703-01 930

TITLE 10. DEPARTMENT OF INSURANCE

Title Insurance Statistical Plan and Regulations for Rates and Charges — Notice File No. Z06-0703-03 934

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

Aspen Restoration, 2006 — Notice File No. Z06-0630-01 939

TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD

Continuing Professional Development Revisions — Notice File No. Z06-0703-04 941

TITLE 22. EMPLOYMENT TRAINING PANEL

Welfare to Work — Notice File No. Z06-0703-02 942

GENERAL PUBLIC INTEREST

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

HHW Variance for Santa Clara County 944

DISAPPROVAL DECISIONS

DEPARTMENT OF INSURANCE 962

SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD 962

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 963

Sections Filed, February 01, 2006 to July 05, 2006 966

*Time-
Dated
Material*

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002-931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Thomson West and is offered by subscription for \$202.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. "Periodicals Postage Paid in Saint Paul, MN." **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Thomson-West/Barclays, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson West.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture adopted Section 3424, of the regulations in Title 3 of the California Code of Regulations pertaining to *Bactrocera zonata* Fruit Fly Interior Quarantine as an emergency action that was effective on May 23, 2006. The Department proposes to continue the regulation as adopted and to complete the amendment process by submission of a Certificate of Compliance no later than September 20, 2006.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before August 28, 2006.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code Sections 401 and 403). Existing law provides the Secretary may establish, maintain, and enforce quarantine regulations, as he deems necessary, to circumscribe and exterminate or prevent the spread of pests (Food and Agricultural Code, Sections 5301, 5302 and 5322).

The adoption of Section 3424 established the targeted quarantined pest, a quarantine area of approximately 106 square miles surrounding the Fresno area of Fresno and Madera counties, the articles and commodities cov-

ered and the restrictions regarding the movement of those articles and commodities, into, within and from the regulated area. The effect of the adoption is to provide authority for the State and the commissioners to regulate movement of hosts of *Bactrocera zonata* fruit fly from, into, and within that area under quarantine to prevent artificial spread of the fly to noninfested areas to protect California's agricultural industry. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3424 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3424. No reimbursement is required for Section 3424 under Section 17561 of the Government Code because the Fresno and Madera county agricultural commissioners requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the amended regulation on a representative private person or business is not expected to be significantly adverse. A representative person or business could incur costs of approximately \$466 per year in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department proposes to adopt Section 3424 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The adoption of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet web-site (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulation in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulation amended by the Department differs from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 10. DEPARTMENT OF INSURANCE

AMENDED NOTICE OF PROPOSED ACTION

Self-Service Storage Agent License

RH06093053

July 13, 2006

SUBJECT OF PROPOSED RULEMAKING

Insurance Commissioner John Garamendi proposes to adopt the regulations described below after considering comments from the public. The Commissioner proposes to add sections 2194.9 through 2194.17 of Article 11 to Subchapter 1 of Chapter 5 of Title 10 of the California Code of Regulations.

Previous Notice of Proposed Action was published in the California Regulatory Notice Register (CRNR) on July 7, 2006. The referenced OAL File number is Z-06-0627-03. This Notice of Proposed Action amends the previous notice to include forms incorporated by reference as provided in "DOCUMENTS INCORPORATED BY REFERENCE" under the "INFORMATIVE DIGEST" section below.

The Emergency regulations were approved by OAL and filed with the Secretary of State on June 30, 2006.

PUBLIC HEARING

A public hearing has been scheduled in connection with this proposed action for Monday, August 28, 2006 starting at 1:00 PM at the Department of Insurance, 45 Fremont Street, San Francisco, CA in the 22nd Floor Hearing Room. Should there be no persons arriving by one-half hour from the start of the public hearing or additional persons arriving by one-quarter hour from the last commentor, the public hearing will close. The sole purpose of this hearing is to address the merits of the proposed regulations. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department of Insurance ("Department") requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at hearing.

AUTHORITY AND REFERENCE

The proposed regulations will implement, interpret and make specific the provisions of Insurance Code sections 1758.7 through 1758.792. Section 1 of A.B. 2520 (Stats. 2004, ch. 428) provides the Insurance Commissioner with authority for this rulemaking.

WRITTEN COMMENT PERIOD

Any interested person or authorized representative may submit written comments on the proposed regulations to the Commissioner during the public comment period. **The public comment period will close at 5:00 PM on August 28, 2006.** The Commissioner will only consider comments received at the Department of Insurance offices by that time. Send comments to the contact person below.

CONTACT PERSON

All written comments or inquiries concerning the proposed regulations and requests for copies of the proposed text may be directed to:

Julie D. Soo, Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4429

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to

the above contact person. If she is unavailable, inquiries may be addressed to the following backup contact person:

Gail Houser, Manager, Processing Section,
Licensing Services Division
California Department of Insurance
320 Capitol Mall, 1st Floor
Sacramento, CA 95814
Telephone: (916) 492-3029

COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by e-mail provided that they are sent to the following e-mail address: sooj@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided that they are directed to the attention of Julie D. Soo and sent to the following facsimile number: (415) 904-5490. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law makes it a crime to act or assume to act in a capacity for which a production agency license is required without having such a license. Assembly Bill 2520 (Vargas) of 2004 (Chapter 428, Statutes of 2004), effective January 1, 2005, added Article 16.3, commencing with section 1758.7, to Chapter 5 of Part 2 of Division 1 of the Insurance Code, creating a new category of production agency license and expanding the scope of activities for which a license is required. Thus, this addition to the Insurance Code expands the scope of an existing crime. Regulations are necessary to advise applicants of the requirements for the Self-Service Storage Agent License and to establish the guidelines and fees necessary for the acceptance of applications by the Department of Insurance ("Department").

Emergency regulations were submitted to OAL on June 21, 2006. These regulations were noticed on June 13, 2006. Notice for emergency regulation was first issued on July 28, 2005. That subsequent rulemaking file submitted to the Office of Administrative Law on September 30, 2005 for adoption on an emergency basis was withdrawn on October 11, 2005 pending further Department of Insurance internal review of the regulation requirements and the licensing forms.

**DOCUMENTS INCORPORATED
BY REFERENCE**

The following documents have been incorporated by reference into the proposed regulations. The sequence of documents are in alpha numerical order and do not reflect the order in which they appear in sections 2194.16(a) and (b).

For Form 441–9 for individuals in section 2194.16(a) of the regulations text:

- Form 411–8A (Rev. 12/2003) Business Entity Endorsement Appointment
- Form 417–5 (Rev. 10/2002) Bond of Insurance Broker
- Form 417–31 (Rev. 7/95) Action Notice of Solicitor
- Form 447–31 (Rev. 1/2003) Bond of Surplus Line Broker
- Form 447–32 (Rev. 1/2003) Bond of Special Lines' Surplus Line Broker
- Form 447–54A (Rev. 03/2006) Action Notice of Appointment
- Form 447–70 (Rev. 12/2003) Bond of Cargo Shipper's Agent
- LIC–50 (05/2003) Surplus Line and/or Special Lines' Surplus Line Endorsement Authorization

For Form 441–11 for organizations in section 2194.16(b) of the regulations text:

- Form 411–8A (Rev. 12/2003) Business Entity Endorsement Appointment
- Form 447–54A (Rev. 03/2006) Action Notice of Appointment
- LICCCI (Rev. 1/2006) Certification of Coverage for Limited Liability Companies

**DISCLOSURES REGARDING
THE PROPOSED ACTION**

The Commissioner has made the following initial determinations:

**MANDATES ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7

(commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COST OR SAVINGS TO ANY STATE AGENCY

Except for cost to the Department of Insurance for implementing the Self–Service Storage Agent License program, the Commissioner has determined that the proposed regulations will result in no cost or savings to any State agency. As disclosed in the Economic and Fiscal Impact Estimate/Form 399, the Budget Office for the Department of Insurance anticipates that the Department will be able to absorb the costs associated with implementing the mandates of this licensing program. Most of the costs will be offset by the licensing fee. Original estimates since the submission to OAL of the Emergency Regulations in 2005 are currently relied upon even though applications received to date reflect a shortfall of estimated applications. The Department anticipates that the number of applications will likely reach original estimates, particularly in light of additional publicity surrounding promulgation of permanent regulations.

**COST TO ANY LOCAL AGENCY
OR SCHOOL DISTRICT**

The Commissioner has determined that the proposed regulations will result in no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

**OTHER NON–DISCRETIONARY COST OR
SAVINGS IMPOSED UPON LOCAL AGENCIES**

The Commissioner has determined that the proposed regulations will result in no other non–discretionary cost or savings imposed on local agencies.

**COST OR SAVINGS IN FEDERAL
FUNDING TO THE STATE**

The Commissioner has determined that the proposed regulations will result in no cost or savings in federal funding to the State.

**ECONOMIC IMPACT ON BUSINESS AND
THE ABILITY OF CALIFORNIA
BUSINESSES TO COMPETE**

To the extent that these regulations provide for an optional insurance product line to providers that choose to market Self–Service Storage Insurance, the economic

impact is a cost–benefit choice to be made by an individual business. The Commissioner has determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR ENTITIES/BUSINESSES

The Commissioner is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

FINDING OF NECESSITY

The Commissioner finds that it is necessary for the health, safety, or welfare of the people of this State that proposed section 2194.15, which requires record maintenance and retention subject to production for examination by the Commissioner, apply to businesses.

EFFECT ON JOBS AND BUSINESSES IN CALIFORNIA

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of existing businesses, and the expansion of businesses currently doing business within the State. The Commissioner does not foresee that the proposed regulations will have an impact on any of the above but invites interested parties to comment on this issue.

IMPACT ON HOUSING COSTS

The matters proposed herein will have no significant effect on housing costs.

SMALL BUSINESS DETERMINATION

The Commissioner has not identified any alternatives that would lessen any adverse impact on small business. To the extent that these regulations provide for an optional insurance product line to vendors that choose to market Communications Equipment Insurance, the economic impact is a cost–benefit choice to be made by an individual business.

CONSIDERATION OF ALTERNATIVES

Pursuant to Government Code section 11346.5(a)(13), the Commissioner must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose of the proposed regulations, and that no alternative would be as effective or less burdensome to private persons or businesses directly affected than these regulations.

The Commissioner invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the public hearing or written comment period.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

AVAILABILITY OF TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

The Commissioner will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the above San Francisco address, between the hours of 9:00 AM and 4:30 PM, Monday through Friday. As of the date of publication in the Notice Register, the rulemaking file consists of the Notice, the Text of the proposed regulations, the Initial Statement of Reasons, Amended Notice, Amended Initial Statement of Reasons, and Documents Incorporated by Reference.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Insurance Commissioner’s mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department’s Website at www.insurance.ca.gov. For documents other than the Documents Incorporated by Reference, click ‘Industry’ along the burgundy horizontal bar and at ‘Legal Information’ located on the right hand side column of the opening screen, click the ‘View Proposed Regulations’ link. Enter “RH06093053” or “Self–Service Storage Agent License” as the search term.

For the Documents Incorporated by Reference, click ‘Industry’ along the burgundy horizontal bar and enter

“forms” as the search term at the search area to the left. Click the ‘Producer License Forms’ line. Click ‘Forms by Form Number.’

For those without Web access, documents are available from the contact person at the fax number listed.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

If modifications are made to the text of the proposed regulations, the modified text, with changes indicated, will be made available to the public for at least 15 days prior to the date on which the Commissioner adopts the amendments. Requests for copies of any modifications should be sent to the contact person at the address indicated above. The Commissioner will accept written comments on the modified text for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

When available, a copy of the Final Statement of Reasons can be obtained from the Department’s Website at www.insurance.ca.gov. For those without Web access, documents are available from the contact person at the fax number listed.

Date Published in the California Regulatory Notice Register (CRNR): July 14, 2006

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING

July 3, 2006

RH05049799

SUBJECT OF HEARING

California Insurance Commissioner John Garamendi proposes to adopt the regulations described below after considering comments from the public. The Commissioner seeks to add Title 10, Chapter 5, Subchapter 3, Article 7.1 to the California Code of Regulations. Additionally, the Commissioner seeks to amend Title 10, Chapter 5, Subchapter 3, Article 14 of the California Code of Regulations. The proposed regulations will interpret the provisions of Division 2, Part 6, Chapter 1 of the California Insurance Code, entitled “Title Insurance.”

AUTHORITY AND REFERENCE

The Commissioner proposes to adopt the proposed regulations under the authority of Insurance Code sections 12401.3 and 12401.5, which recognize the Commissioner’s authority to ensure uniform administration of rate regulatory laws through the aid of a statistical plan and to hold excessive any rate that is unreasonably high for the insurance or other services provided.

The proposed regulations will implement, interpret and make specific Insurance Code sections 12340.3, 12340.7, 12340.8, 12401, 12401.1, 12401.3, 12401.5, 12401.7, 12401.71, 12401.9, 12404.1, 12414.14, 12414.15, 12414.16, 12414.17 and 12414.27.

PUBLIC HEARING

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to this regulation, as follows:

Date and time: August 30, 2006 — 10:00 a.m.

Location: Department of Insurance Hearing Room
45 Fremont Street, 22nd Floor
San Francisco, CA 94105

The hearing will continue on the date noted above until all testimony has been submitted or 4:00 p.m., whichever is earlier.

PRESENTATION OF WRITTEN AND/OR ORAL COMMENTS; CONTACT PERSONS

All persons are invited to present oral, and/or written comments at the scheduled hearing. Written comments not presented at the hearing must be addressed to the following contact person:

Bryant Henley, Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
henleyb@insurance.ca.gov
Telephone: (415) 538-4111
Facsimile: (415) 904-5490

Questions regarding the hearing, comments, or the substance of the proposed action should be addressed to the above contact person. If the contact person is unavailable, inquiries may be sent to the backup contact person:

Kim Morimoto, Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
morimotok@insurance.ca.gov
Telephone: (415) 538-4143
Facsimile: (415) 904-5490

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Commissioner, c/o the contact person at the address listed above, by no later than **5:00 p.m. on August 30, 2006**. Any materials received after that time will not be considered.

COMMENTS TRANSMITTED BY ELECTRONIC COMMUNICATION

The Commissioner will accept written comments transmitted by e-mail, provided they are sent to the following e-mail address: henleyb@insurance.ca.gov or morimotok@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile. All comments sent by facsimile must be directed to the attention of Bryant Henley using the following fax number: (415) 904-5490. Comments sent to e-mail addresses or facsimile numbers, other than those provided herein will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline for written comments set forth above. Written comments shall be submitted by one method only.

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed above) for this hearing in order to make special arrangements, if necessary.

INFORMATIVE DIGEST

Summary of Existing Law and Policy Statement Overview

The laws concerning the business of title insurance were substantially revised in 1973 to encompass the ratemaking activities of title insurers, underwritten title companies and controlled escrow companies. In a letter to then-Governor Reagan urging the Governor to sign these Legislative revisions into law, the sponsor of the legislation, Senator George N. Zenovich, described the purposes of the law as follows:

[Senate Bill 1293] substantially increases the regulatory power of the Department of Insurance over the business of Title Insurance in this state.

Under existing law the provisions of the Insurance Code governing Title Insurance do not grant specific statutory authority to the Insurance Commissioner to regulate rates of Title Insurers, Underwritten Title Companies or Controlled Escrow Companies. Regulatory power in this area is derived from the provisions of the Insurance Code governing insurers generally.

Senate Bill 1293 establishes a . . . pattern of rate regulation for the business of Title Insurance. The Commissioner is thereby granted specific statutory authority to order termination of rates which are found to be excessive, inadequate or unfairly discriminatory.

(Sen. Zenovich, sponsor of Sen. Bill No. 1293 (1973-1974 Reg. Sess.), letter to Governor, Sept. 18, 1973.)

Existing law provides that the central purpose of title insurance regulation is "to promote the public welfare by regulating rates for the business of title insurance. . . to the end that they shall not be excessive, inadequate or unfairly discriminatory". (Cal. Ins. Code § 12401.) Existing law also emphasizes the need for any regulation "to permit and encourage competition" and in furtherance of that end, provides that any regulation must not "fix and determine a rate level by classification or otherwise." (*Ibid.*) In the event that "(1) the rate is unreasonably high for the insurance or other services provided, and (2) a reasonable degree of competition does not exist in the particular phase of the business of title insurance to which the rate is applicable", the Commissioner is vested with the authority to declare such rates excessive. (Cal. Ins. Code § 12401.3.)

The Commissioner's efforts to ensure uniform administration of the rate regulation laws and to review and evaluate individual rate filings are aided by the Commissioner's authority to develop a statistical plan that includes the financial data relating to economic performance and the rating systems in use within the state. (Cal. Ins. Code § 12401.5.)

Objectives for Proposed Action

A study conducted for the Commissioner has concluded that a reasonable degree of competition does not exist in four phases of the business of title insurance: 1) title search, examination and commitment; 2) issuance and servicing of the title insurance policy; 3) escrow and closing; and 4) other services. (Birnbaum, Report to the Insurance Commissioner: An Analysis of Competition in the California Title Insurance and Escrow Industry (Dec. 2005) pp. 92-95 ("Competition Report").) The Commissioner agrees with the findings of this re-

port, and has concluded that a comprehensive, uniform system for preventing excessive rates is necessary to ensure appropriate rates in this non-competitive climate.

The Commissioner proposes to amend article 14 to subchapter 3 and add article 7.1 to subchapter 3 of chapter 5, title 10 of the California Code of Regulations. The proposed regulations will provide the Commissioner with a statistical plan and a related system for reviewing rates and charges assessed by those entities engaged in the business of title insurance. The proposed regulations are necessary to ensure that rates can be effectively monitored to the end that no rate shall remain excessive. The proposed regulations are authorized by Insurance Code sections 12401.3 and 12401.5, which require the Commissioner to prohibit excessive rates and permit the Commissioner to collect financial data from title entities to generate statistical information for the purpose of reviewing and evaluating individual rate filings.

Comparable Federal Law

The Real Estate Settlement Procedures Act (RESPA) is a federal statute that sets forth disclosure requirements for residential real estate transactions. (Title 12, U.S. Code, sections 2601–2617.) The RESPA requires, among other things, that borrowers must be informed of all closing costs, lender servicing and escrow account practices, including business relationships between closing service providers and other parties to the real estate transaction. The RESPA also outlines the settlement/closing process for the real estate loan transaction and prohibits illegal activity such as kickbacks and referral fees among settlement service providers.

By contrast, the proposed regulations require entities engaged in the business of title insurance, as defined by Insurance Code section 12340.3, to report to the Commissioner information relating to the costs of all phases of the business of title insurance. Additionally, the proposed regulations set forth a detailed formula to ensure that charges filed by entities engaged in the business of title insurance, as defined by Insurance Code section 12340.3, are not excessive. The proposed regulations do not create any duties to disclose information to borrowers. To the extent that illegal activity such as kickbacks and referral fees are regulated by the Commissioner, those standards are not set forth in these regulations. While the RESPA contains particular prohibitions and disclosure requirements for the real estate transaction, the required disclosures do not conflict with, or duplicate, the requirements set forth in these proposed regulations.

**PRE-NOTICE PUBLIC DISCUSSIONS OF
PROPOSED REGULATIONS**

Pursuant to Government Code Section 11346.45, the Department posted on its website an Invitation to Pre-notice Public Discussions. The Invitation was also mailed to a number of interested consumers and title insurance entities. Subsequently, in January of 2006, the Department held a one-day workshop in order to receive comments about the report written by Birny Birnbaum, entitled “An Analysis of Competition in the California Title Insurance and Escrow Industry” (December, 2005). Input from workshop participants was taken into account in the formulation of the proposed regulations.

**MANDATES ON LOCAL AGENCIES OR
SCHOOL DISTRICTS OR COSTS WHICH
MUST BE REIMBURSED PURSUANT
TO GOVERNMENT CODE SECTIONS
17500 THROUGH 17630**

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COST OR SAVINGS TO ANY STATE AGENCY

The Commissioner has determined that the proposed regulations will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

**ECONOMIC IMPACT ON BUSINESSES AND
THE ABILITY OF CALIFORNIA BUSINESSES
TO COMPETE WITH OTHER STATES**

The Commissioner has made an initial determination that the adoption of this regulation may have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Commissioner has not considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.

- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

The types of businesses affected by the proposed regulations are insurers, underwritten title companies and controlled escrow companies that are engaged in the business of title insurance within the meaning of California Insurance Code section 12340.3. The proposed regulations will require entities that are engaged in the business of title insurance to provide detailed annual reports of their experience, including detailed reports of their written premium and costs associated with the business of title insurance. This may affect those businesses that have traditionally failed to maintain detailed records of their business activities.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The Commissioner is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

BUSINESS REPORTING REQUIREMENT

The Commissioner finds it is necessary for the health, safety, or welfare of the people of this State that these regulations which require a report apply to businesses.

EFFECT ON JOBS IN CALIFORNIA

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of existing businesses, and the expansion of businesses currently operating in the State. The proposed regulations, by prohibiting excessive rates and lowering premiums for consumers, will reduce title and escrow expenditures. Thus, the Commissioner believes that the proposed regulations will have a positive impact upon jobs in California. If one were to assume, for example, that the proposed regulations will reduce title and escrow expenditures by 20%, or \$800 million, the resulting savings in expenses could reasonably be expected to result in new jobs for Californians. The Commissioner does not foresee that the proposed regulations will have a negative impact on any of the above but invites interested parties to comment on this issue.

IMPACT ON HOUSING COSTS

The proposed regulations will affect housing costs. Under the present regulatory framework, title insurers and controlled escrow entities are generally free to charge excessive rates. Existing law permits title insurers and controlled escrow companies to charge excessive rates until such time as the Commissioner determines that a reasonable degree of competition within a particular phase of the title marketplace does not exist.

With the proposed regulations, the Commissioner has now determined that a reasonable degree of competition does not exist with respect to four critical phases of the business of title insurance. Some title insurers and controlled escrow companies within the State of California have charged, and continue to charge, excessive rates for title insurance and escrow services. Because the proposed regulations will prevent excessive title and escrow rates, the Commissioner anticipates that the effect will be to reduce housing costs. The Commissioner believes that the proposed regulations will reduce title and escrow expenditures by at least 20%; a significant reduction. In terms of total housing costs, the reduction will typically be less than 1% of the total purchase price, including closing costs.

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purposes for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action. The purpose of the proposed regulations is to implement a statutory mandate. To date, no reasonable alternative to the proposed regulations is apparent. The Commissioner, however, invites public comment on alternatives to the regulation.

IMPACT ON SMALL BUSINESS

The Commissioner has not identified any alternatives that would lessen any adverse impact on small businesses. Nor have any such alternatives otherwise been identified and brought to the attention of the Commissioner that would lessen any impact on small business. Nevertheless, the Commissioner invites public comments on the proposed changes and reasonable alternatives which would be as effective to carry out the proposed changes. To the extent that the proposed regulations affect insurance companies, financial institutions, subdividers, developers, and services where the annual gross receipts for the business exceed two million dol-

lars, the proposed regulations do not affect small business. (See Gov. Code § 11342.610.)

TEXT OF REGULATIONS AND STATEMENT OF REASONS

The Commissioner has prepared an initial statement of reasons that sets forth the reasons for the proposed action. The Commissioner also has available all the information upon which this proposed action is based and the express terms of the proposed action. Upon request, the initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Requests for the final statement of reasons should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information contained in the rulemaking file, is available for inspection and copying **by prior appointment** at 45 Fremont Street, 21st Floor, San Francisco, California, 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday. Written requests for the rulemaking file or questions regarding this proceeding should be directed to the contact persons listed above.

FINAL STATEMENT OF REASONS

The Commissioner has prepared an initial statement of reasons for the proposed regulations. The initial statement of reasons will be subject to amendment, and at the conclusion of this rulemaking process a final statement of reasons will be prepared. Upon **written or e-mail** request, the rulemaking file, including the final statement of reasons, all information upon which the regulations are based and the express terms of the proposed regulation will be made available for inspection and copying once it has been prepared. Written requests for the rulemaking file should be directed to the contact person listed above.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the pro-

posed regulations, will automatically be sent to all persons on the Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Just to the left of the center of the page, click the heading 'Industry.' In this section, scroll down until you see the subheading 'Legal Information.' Below this subheading, click on the 'Proposed Regulations' link. When the 'Search or Browse for Documents for Proposed Regulations' screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To search, enter "RH05049799" (the Department's regulation file number for these regulations) in the 'Search for' field. Alternatively, search using as your search term the California Insurance Code number of a code section that the regulations implement (for instance, "12401.3"), or search by keyword ("title insurance," for example). Then, click on the 'Submit' button to display links to the various filing documents.

To browse, click on the 'Browse All Regulations' button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the 'Title Insurance Rate Regulations and Statistical Plan' link, and click it. Links to the documents associated with these regulations will then be displayed.

AVAILABILITY OF MODIFIED TEXT OF REGULATION

In response to public comment, the Commissioner may determine that changes to the proposal are appropriate. If those changes are sufficiently related to the original text, such that the public had adequate notice of the proposal, as amended, copies of the amended text will be sent to all persons who testified or presented comments at the public hearing or submitted written comments during the comment period, and to anyone who requested information regarding the proposal. Thereafter, the Commissioner will accept written comments, arguments, evidence and testimony, concerning the changes only, for a period of at least 15 days prior to adoption.

At least 45 days notice will be given if the changes are not sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action.

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

[Notice Published July 14, 2006]

NOTICE OF PROPOSED RULEMAKING

Aspen Restoration, 2006

The Board of Forestry and Fire Protection (Board) proposes to adopt the regulations of Title 14 of the California Code of Regulations (14 CCR) described below after considering all comments, objections, and recommendations regarding the proposed action.

Amend:

§ 939.15 Protection of Wildlife Habitat
[Northern].

§ 959.15 Protection of Wildlife Habitat
[Southern].

PUBLIC HEARING

The Board will hold a public hearing starting at 8:00 A.M., on Thursday, September 14, 2006, at the City of Redding City Hall Council Chamber, 777 Cypress Ave, Redding, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 P.M., on Monday, August 28, 2006. The Board will consider only written comments received at the Board office by that time (in addition to those written comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: Christopher Zimny
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416^{9th} Street
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 4551, and 4561, Public Resources Code. Reference: Sections 4551, 4561 and 4561.1, Public Resources Code

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California State Board of Forestry and Fire Protection (Board) is promulgating a regulation necessary to amend Forest Practice Rules (FPR) Title 14, Chapter 4, Subchapter 4, 5, and 6, Article 9, § 939.15 Protection of Wildlife Habitat [Northern], and § 959.15 Protection of Wildlife Habitat [Southern]. The proposal addresses restoration of aspen tree species by allowing the removal of conifer trees near aspen stands with exemption from conifer reforestation requirements of the FRPs.

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation adds aspen stands to the list of areas that can have conifer tree removal and be exempt from typical restocking standards of the Forest Practice Rules. The proposal defines the term "aspen stands" to specify where the rule would apply; establishes a performance standard which must be met to ensure appropriate application of the proposed harvesting; and adds harvesting proposals descriptions and

pre-harvest governmental review to ensure appropriate application.

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None
- Costs or savings to any State agency: None
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in federal funding to the State: None
- The Board has made an initial determination that there will be no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- Cost impacts on representative private persons or businesses: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant effect on housing costs: None
- Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- Effect on small business: None. The proposed regulation is designed to provide regulatory relief, leading to substantial reduction in regulatory filing and preparation fees.
- The proposed rules do not conflict with, or duplicate Federal regulations.

BUSINESS REPORTING REQUIREMENT

The regulation does not require a report, which shall apply to businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code § 11346.5(a)(13), the Board must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective

and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn: Christopher Zimny
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-9418

The designated backup person in the event Mr. Zimny is not available is Doug Wickizer, California Department of Forestry and Fire Protection, at the above address and phone.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request. When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above referenced information is also available on the Board web site at:

http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days

before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD

NOTICE IS HEREBY GIVEN that the Speech-Language Pathology and Audiology Board is proposing to take the action described in the Informative Digest. No public hearing has been scheduled on the proposed action. However, any interested person or such person's duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Section 11346.8. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m., Monday August 28, 2006. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 2531.95, 2532.6(a), and to implement, interpret or make specific 2532.6(b), 2532.6(g) of said Code, the Board is considering changes to Division 13.4 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Speech-Language Pathology and Audiology ("Board") is authorized by Business and Professions Code Section 2531.95 to adopt regulations necessary to implement the Speech-Language Pathology and Audiology Licensure Act.

Business and Professions Code Section 2532.6 authorizes the Board to adopt rules and regulations which prescribe the renewal requirements for licensure. Effective January 1, 1999, Sections 2532.6(b) through (g), mandated that all professionals licensed by the Board obtain a minimal number of continuing professional development hours established by the Board, within the proceeding two years of license renewal.

The proposed amendments to Sections 1399.160 through 1399.160.10 provide further clarity and specificity to the existing continuing professional development requirements. The proposed amendments delineate continuing professional development course content provisions and establishes appropriate limits on continuing professional development hours for self-study, courses pertaining to related areas, indirect client care issues, as well as places limits on the number of hours an audiologist can obtain from courses that focus on marketing a particular device or other equipment. In addition, the amendments will establish a process wherein licensees and/or continuing professional development providers may voluntarily petition the Board to review and approve a continuing professional development course. The proposal broadens the scope of acceptable continuing professional development course content yet preserves a core number of hours that must be obtained through practice specific course offerings.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly effecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Private Persons or Entities: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory action would not affect small businesses as it makes technical changes to the Board's licensure qualifications and clarifies professional advertising provisions.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF THE PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Speech-Language Pathology and Audiology Board at 1422 Howe Avenue, Suite 3, Sacramento, CA 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Kathi Burns, Board Analyst
Address: 1422 Howe Avenue, Suite 3
Sacramento, CA 95825
Telephone No.: (916) 263-2666
Fax No.: (916) 263-2668
E-mail Address: Kathi_Burns@dca.ca.gov

The backup contact person is:

Name: Annemarie Del Mugnaio,
Executive Officer
Address: 1422 Howe Avenue, Suite 3
Sacramento, CA 95825
Telephone No.: (916) 263-2666
Fax No.: (916) 263-2668
E-mail Address: Annemarie_DelMugnaio@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.slpab.ca.gov.

TITLE 22. EMPLOYMENT TRAINING PANEL

NOTICE OF PROPOSED RULEMAKING

The Employment Training Panel (Panel) proposes to repeal Section 4428 in Title 22 of the California Code of Regulations. This action would delete outdated procedures and unnecessary requirements for the Panel's approval of funding for training California Work Opportunity and Responsibility to Kids (CalWORKs) recipients under "Welfare to Work." The Initial Statement of Reasons and express text of the proposed action are accessible through the *What's New* link on the Home Page of the ETP website (www.etp.ca.gov).

AUTHORITY AND REFERENCE

The Panel's rulemaking authority is set forth at Section 10205(m) of the Unemployment Insurance (UI) Code. The proposed repeal would affect the Panel's implementation of UI Code Section 10214.7.

INFORMATIVE DIGEST

Repeal T.22, C.C.R. Section 4428: Welfare to Work Project. UI Code Section 10214.7 requires the Panel to allocate funds for CalWORKs benefits recipients and sets out eligibility criteria for participants. The Panel adopted Section 4428 to set forth procedures and standards that would govern its review of proposals to fund this type of training project.

The Panel first funded Welfare to Work (W2W) training when UI Code Section 10214.7 was enacted on January 1, 1998 which is when the Panel adopted Section 4428. However, the Panel placed a moratorium on funding W2W projects for training CalWORKs recipients on July 26, 2001, partly because these projects did not satisfy the overall program goal of creating and retaining high-wage, high-skilled jobs in a high-performance workplace. (See UI Code Section 10200(a).) Also, under Section 4428, these projects did not emphasize placement in entry-level positions or incorporate the federal work participation standards which would be hallmarks of the W2W Pilot Program.

The Panel lifted its moratorium on W2W training projects on June 23, 2006 in order to renew funding under a pilot program, and to re-evaluate the legislative parameters. The Panel has determined that the procedures and standards set forth in Section 4428 are either unnecessary or overly restrictive, and would impede success of the pilot program.

FISCAL DISCLOSURES

The Panel has made the following initial determinations regarding fiscal disclosures required by Section 11346.2 of the Government Code.

A. Fiscal Impact. The Panel has made an initial determination that the proposed action does not impose costs or savings requiring reimbursement under Section 17500 *et seq.* of the Government Code. Furthermore, this action does not impose non-discretionary costs or savings to any local agency; nor does it impact federal funding for the State.

The Panel has made an initial determination that the proposed action does not impose costs or savings to any

State agency pursuant to Section 11346.1(b) or 11346.5(a)(6) of the Government Code. Furthermore, there are no fiscal impact disclosures required by State Administrative Manual sections 6600–6670.

B. Cost Impacts. The Panel is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The same determination applies to housing costs. This action simply eliminates outdated procedures related to an unutilized project. As such, there would be no costs associated with this action.

C. Adverse Impact on Business. The Panel has made an initial determination that the proposed action does not have any significant, statewide adverse economic impact directly affecting business, including the ability to compete.

D. Effect on Small Business. The Panel has determined that the proposed action will not affect small businesses since this action would eliminate outdated procedures for a project on which the Panel has imposed a long-term moratorium.

E. Effect on Jobs and Business Expansion. The Panel has made an initial determination that the proposed action would not create or eliminate jobs in California. Nor would it create new businesses or eliminate existing businesses in California. The Panel has made an initial determination that this action would not directly affect the expansion of businesses currently operating in California.

F. Imposed Mandate. The Panel has made an initial determination that the proposed action does not impose a mandate on local agencies or school districts.

REASONABLE ALTERNATIVES

The Panel has made an initial determination that there are no reasonable alternatives to the proposed action that would be more effective in carrying out its purpose, or that would be as effective and less burdensome to affected private parties. Interested persons are welcome to identify reasonable alternatives during the written comment period.

WRITTEN COMMENT PERIOD

A 45-day written comment period has been established beginning on July 14, 2006 and ending at 5:00 p.m. on August 28, 2006. Any interested person, or his or her authorized representative, may present written comments on the proposed action within that time period. Comments should be sent to:

Maureen Reilly
Employment Training Panel, Legal Unit
1100 "J" Street, Fourth Floor
Sacramento, CA 95814
Telephone: (916) 327-5252
E-mail: mreilly@etp.ca.gov
FAX: (916) 327-5268

PUBLIC HEARING

A public hearing will not be held unless one is requested by an interested person, or his or her authorized representative. The request must be submitted in writing to the address shown above no later than 5:00 p.m. on the fifteenth day before the written comment period ends. The request should identify the specific regulatory action for which the hearing is requested.

MODIFICATIONS

Modifications to the text of the proposed regulatory action may be made after the public comment period. If so, they will be posted on the ETP Website at www.etp.ca.gov. They will also be available upon request to the address shown above. Said modifications will be open to public comment for at least 15 days before their adoption, as noticed on the ETP Website.

AVAILABILITY OF DOCUMENTS

The Panel has prepared an Initial Statement of Reasons for the proposed action, and has compiled all information on which the action was based. This statement, along with the express text of the proposed action and the written information on which it was based, are available for inspection and copying at the address shown above.

The Panel will prepare a Final Statement of Reasons at the conclusion of the public comment period. This final statement and the information on which it is based will also be available for inspection and copying at the address shown above.

This Notice of Proposed Rulemaking is posted on the ETP Website at www.etp.ca.gov. The Initial Statement of Reasons and the express text of the proposed action are also posted on the ETP Website.

CONTACT PERSONS

Requests for copies of the express text of the proposed action and the modified text (if any), and the Initial Statement of Reasons, should be directed to the address shown above. In addition, the "rulemaking file" of

written information on which the proposed action is based is available for inspection upon request.

GENERAL PUBLIC INTEREST

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Variance-HHWVAR970101R3

I. VARIANCE REQUESTED

Santa Clara County Household Hazardous Waste (HHW) Program has requested a variance from California Code of Regulations, title 22 section 67450.4(e)(2)(A) which prohibits the bulking of hazardous waste oil based paint, solvents, or gasoline during the hours that hazardous waste are being received at temporary household hazardous waste collection events (THHWCE).

II. APPLICANT INFORMATION

Agency: Santa Clara County Household
Hazardous Waste Program
Address: 1555 Berger Drive, Suite 300
San Jose, California 95112-2726

Contact: Mr. Rob D'Arcy
Hazardous Materials Program
Manager

Phone Number: (408) 918-1967

Fax Number: (408) 280-6479

Type of Variance: Renewal, Santa Clara County Household Hazardous Waste Program received its first variance from California Code of Regulations, title 22 section 67450.4(e)(2)(A) in 1993. The variance was last renewed on February 4, 2003.

Date Issued: June 23, 2006

Expiration Date: June 30, 2009

III. AUTHORITY:

HSC section 25143 allows DTSC, at its discretion, to grant a variance from one or more of the requirements of Chapter 6.5 and regulations adopted pursuant to the chapter if one of the following conditions applies:

- (1) The hazardous waste is solely a non-RCRA hazardous waste or the hazardous waste or its management is exempt from, or is not otherwise regulated pursuant to, the federal act; or
- (2) The requirement from which a variance is being granted is not a requirement of the federal act, or the regulations adopted to implement the federal act; **and**

DTSC makes one of the following findings:

- (A) The hazardous waste, the amount of the hazardous waste, or the hazardous waste management activity or management unit is insignificant or unimportant as a potential hazard to human health and safety or to the environment, when managed in accordance with the conditions, limitations, and other requirements specified in the variance; or
- (B) The requirements, from which a variance is being granted, are insignificant or unimportant in preventing or minimizing a potential hazard to human health and safety or the environment; or
- (C) The handling, processing, or disposal of the hazardous waste, or the hazardous waste management activity, is regulated by another governmental agency in a manner that ensures it will not pose a substantial present or potential hazard to human health and safety, and the environment; or
- (D) A requirement imposed by another public agency provides protection of human health and safety or the environment equivalent to the protection provided by the requirement from which the variance is being granted.

IV. FINDINGS AND DETERMINATIONS

Conditions applicable to Santa Clara's variance request are:

- (1) The hazardous waste is solely a non-RCRA hazardous waste or the hazardous waste or its management is exempt from, or is not otherwise regulated pursuant to, the federal act, to wit:
The Resource Conservation and Recovery Act of 1976 (RCRA) regulated hazardous waste under Title 40 Code of Federal Regulations (40CFR). 40CFR section 261.4(b)(1) specifically excludes household hazardous waste and its management from the federal definition of hazardous waste and are therefore are not regulated under 40 CFR parts 262 to 266. Similarly, 40CFR section 261.5 exempts hazardous waste from conditionally exempt small quantity generators (CESQG) from regulation under 40CFR 262 through 266. California's HSC and supporting regulations contain no similar exemptions for these wastes but allow for its management at household hazardous waste facilities under HSC 25218 et seq. and related regulations. **And,**
- (C) The handling, processing, or disposal of the hazardous waste, or the hazardous waste management activity, is regulated by another governmental agency in a manner that ensures it will not pose a substantial present or potential

hazard to human health and safety, and the environment; and

- (D) A requirement imposed by another public agency provides protection of human health and safety or the environment equivalent to the protection provided by the requirement from which the variance is being granted. To wit:

Santa Clara County Household Hazardous Waste Program received its first variance from this requirement in 1996 and has operated the bulking operations without incident at temporary events under the oversight of the Santa Clara County CUPA and local fire agencies. The variance was last renewed on February 24, 2003. And,

The Santa Clara County CUPA and the applicable fire and pollution prevention agencies have approved and enforce the Flammable Liquid Bulking Procedures (attached) used by Santa Clara County Household Hazardous Waste Collection Program.

V. TERMS AND CONDITIONS

- 1. Santa Clara County Household Hazardous Waste Program shall follow the Flammable Liquid Bulking Procedures as approved by the Santa Clara County CUPA and the applicable fire and pollution prevention agencies while operating THHWCEs.
- 2. No changes shall be made to Flammable Liquid Bulking Procedures unless approved in writing by the Santa Clara County CUPA and the applicable fire and pollution prevention agencies.
- 3. If revisions are made to the Flammable Liquid Bulking Procedures, the Santa Clara County Household Hazardous Waste Program shall send a copy of the revised Procedure and all the written approvals of the Santa Clara County CUPA and applicable fire and pollution prevention agencies.
- 4. Santa Clara County Household Hazardous Waste Program shall operate the THHWCEs according to all other applicable DTSC statutes and regulations.
- 5. Santa Clara County Household Hazardous Waste Program shall immediately notify the Branch Chief of DTSC's Regulatory and Program Management Branch of any release of hazardous waste during bulking operations of flammable liquids conducted under this variance.

6. This variance only applies to the hazardous waste facility requirements of California Code of Regulations, title 22 section 67450.4(e)(2)(A) and may be amended or revoked by DTSC at any time. A copy of this variance must be kept at the THHWCE site and must be made available for inspection by staff of DTSC, CUPA or any applicable fire and air pollution control agency
7. All THHWCE operations shall be conducted in compliance with all other applicable state, local and federal laws and regulations. Failure to comply may result in revocation of this variance and lead to enforcement action(s) by DTSC.
8. Nothing in this variance shall be construed to limit the authority of DTSC personnel to enter all areas of the waste collection site, including segregation, packing, consolidation, and handling areas, for the purposes of evaluation of compliance with the requirements of this variance.

VI. CERTIFICATION

The Department of Toxic Substances Control grants the variance from the requirements imposed pursuant to California Code of Regulations, title 22 section 67450.4(e)(2)(A) subject to the conditions and limitations stated above

APPENDIX A

SANTA CLARA COUNTY HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM:

FLAMMABLE LIQUID BULKING PROCEDURES

REVISED: December 21, 2005

FLAMMABLE LIQUID BULKING PROCEDURES

Purpose

Santa Clara County's Household Hazardous Waste (HHW) drop-off program accepts waste flammable liquids on a regular basis from residents and small businesses of the county. The program will operate five Temporary events throughout the County of Santa Clara. Two events are held in the City of Santa Clara, one in Milpitas, City of Los Altos, and the City of Cupertino.

Since solvents, oil-based paints and gasoline are bulked at the Santa Clara County-wide Household Hazardous Waste Collection events, state regulations require that written procedures be approved by the local fire and air pollution prevention agencies. These written procedures for the consolidation of flammable liq-

uids were written in accordance with the California Code of Regulations, Title 22, Division 4.5, Chapter 10, Article 2, Section 66260.10 (Permit by Rule for Permanent Household Hazardous Waste Collection Facilities).

This document summarizes how flammable liquids are collected and bulked at HHW collection facilities, and what safety measures are taken to protect employee safety and health and the environment.

Background

Flammable and combustible liquid containers are received from the public and the containers that are almost empty are opened manually by employees and poured into 55-gallon steel drums. The Program does not accept containers larger than 5 gallons. Flammable and combustible liquids primarily consist of oil-based paint, paint thinner, solvents, gasoline and used oil. If a resident brings a combustible liquid in a container larger than 5 gallons (usually motor oil), the waste is accepted and consolidated, and the container is returned to the resident.

An average of four 55-gallon drums of bulked flammable liquids are generated at one of these collection event.

Contacts

The following people should be contacted for additional information about the County's Household Hazardous Waste Collection Program:

Site Supervisor/Emergency Coordinator

Ed Ramos

Lead Hazardous Materials Specialist

Santa Clara County Department of Environmental Health

(408) 299-7300

Assistant Site Supervisor/Alternate Emergency Coordinator

Robert Dicampli

Lead Hazardous Materials Technician

Santa Clara County Department of Environmental Health

(408) 299-7300

Policies and Procedures

Staff meets with a representative of the site prior to the collection event to discuss the site layout, traffic patterns, and program operations. The flammable liquid bulking area is located at least 25 feet from property lines and public streets, and at least 50 feet from the public unloading area. Emergency access to the site is planned out prior to every event. Local emergency responders, e.g. police, fire, and local hospitals are mailed a notification detailing the HHW location and operating hours.

Before the event is open to the public, all waste handling areas are covered with two layers of 6-mil visqueen and taped along the outside edges. The double layer of visqueen is non-flammable, compatible with flammable liquids, and does not deteriorate within the time period of the collection event. A section of the work area is bermed and is designated as the staging area for the flammable liquid drums. The perimeter of the staging area is lined with 50-pound bags of absorbent that serves as a berm with two layers of 6-mil visqueen draped and taped down over the absorbent bags. The bermed area is able to contain at least 60 gallons of liquid.

Flammable liquids dropped off by residents include oil-based paints, solvents, gasoline, paint thinner and neutral petroleum-based polishes and cleaners. Trained environmental technicians segregate flammable liquid wastes from other wastes accepted from the public. Incompatible wastes, such as corrosives and oxidizers, are lab packed by site chemists at least 20 feet away in a separate waste handling area. Waste segregators understand the importance of proper chemical segregation, and the consequences of sloppy work. If they are in doubt about the compatibility of a household product, site chemists take a pH sample or otherwise determine the compatibility. Questionable wastes are lab packed, not bulked.

When three inches of headspace remain in a drum, it is considered full. At that point the drum is sealed closed, labeled, removed from the consolidation area and staged in the storage area inside a sprinklered building. All full flammable liquid drums are loaded onto the contractor's truck and removed from the site at the end of the day.

Fire Prevention

Ignition and Heat Sources. Sources of ignition include open flame, sparks from tools, exposure to direct sunlight, and static electricity. The following precautions have been taken to ensure that sources of ignition in the flammable liquid bulking areas are eliminated.

All smoking is prohibited from the bulking areas. Employees are allowed to smoke in the designated break area, which is a minimum of 50 feet from the waste handling areas and upwind. Signs are posted to remind employees that smoking, eating and drinking are prohibited in these areas.

Flammable liquid containers are stored under the canopy to avoid excess exposure to sunlight. Sunlight can cause sealed containers to explode when opened, potentially creating sparks or excessive heat.

Paint can scrapers were constructed so that the contents can be thoroughly scraped out of either quart size, one gallon or five gallon containers. Spark-proof tools are used to scrape dried paint off the paint can scrapers.

Drum Grounding. Steel, 55-gallon drums are grounded using cables specially purchased from a safety supply company. One end of the cable is attached to the open drum, and the other end is attached to either a functioning metal water distribution system or to a metal rod that is driven into native soil (at least three feet).

Container Bonding. Bonding cables are used to bond metal containers to steel drums during consolidation. A bonding cable is attached to the steel drum and each metal container storing gas, paint thinner or other flammable liquid is attached to the cable prior to consolidation. Once the container is drained, the bonding cable is removed from the container and the container is thrown away.

Air Quality Control

Flammable liquids accepted at the site emit certain amounts of volatile organic compounds (VOCs) during the bulking process. These emissions are minimized by using the following procedures:

- Open containers are immediately poured into 55-gallon drums.
- Spills are immediately contained with absorbent, which is placed in closed containers for proper disposal.
- Flammable liquid bulking takes place during limited hours, so containers and drums are not open too long.
- Drums that are not receiving waste are kept closed to prevent volatilization.
- Full drums are immediately closed, sealed, and labeled.

Signage

Various signs are posted around the event location throughout the day. In addition to traffic control signs, warning signs read as follows:

- NO EATING, DRINKING OR SMOKING IN THIS AREA
- DANGER! HAZARDOUS WASTE AREA — UNAUTHORIZED PERSONNEL KEEP OUT
- STATE LAW REQUIRES THAT YOU REMAIN IN YOUR VEHICLE AT ALL TIMES BEYOND THIS POINT

These signs are legible from at least 25 feet away.

Personal Protective and Safety Equipment

Before each event, a safety meeting is held by the site supervisor or the assistant site supervisor to review required personal protective equipment, location, and availability of safety equipment, and general safety procedures. This section describes the safety and personal protective equipment available to employees.

Safety Equipment

- Eyewash and portable shower

- Four 20-pound ABC fire extinguishers placed every 15–20 feet along work area
- Spill control equipment — absorbent, spill pillows, brooms, and shovel
- Over-pack 85-gallon drums
- Bonding and grounding cables
- Portable phone
- All work is done under a canopy, which is made of a materiel certified by the State Fire Marshall as nonflammable/flame resistant. The canopy is not enclosed so vapors do not accumulate inside. In addition, the bulking area is in the open and well ventilated.
- All storage and consolidation of liquids is done on a double layer of 6-mil plastic to prevent spillage onto the pavement.

Personal Protective Equipment

- Safety glasses, goggles, face shield or full-face respirator
- Chemical resistant (nitrile or neoprene) gloves and latex or nylon glove liners
- Half and full-face respirators
- Organic vapor or OV/HEPA cartridges
- Chemical resistant clothing, such as poly-tyvek or saranex coveralls
- Plain tyvek coveralls
- Chemical resistant aprons and sleeve protectors
- Tyvek boot covers

All employees, except those at the check-in desk, are required to wear safety glasses while working. Employees wearing half-face respirators while bulking liquids also wear safety goggles or face shields.

All employees handling hazardous wastes wear nitrile or neoprene gloves and glove liners. Cloth glove liners are also available.

Employees that open or bulk flammable liquid containers are required to wear air-purifying respirators with organic vapor cartridges. The County supplies cartridges, respirator wipes, and respirator parts, such as inhalation and exhalation valves. The site supervisor periodically checks respirators to make sure they are operating properly. New cartridges are issued before each event. Employees clean and sanitize their respirators with antiseptic wipes or soap at the end of the day. For more information on how respirators are used and maintained, please refer to the County's Respiratory Protection Program.

Chemical resistant poly-tyvek and saranex coveralls are available to employees that pour flammable liquids. Since these suits are hot, employees may wear plain ty-

vek coveralls with chemical resistant sleeve protectors and splash aprons.

Tyvek boot covers are available to employees to wear over their steel-toed boots.

Occupational hazards and additional safety procedures established for the program are outlined in the County's Occupational Injury and Illness Prevention Plan, which is available upon request.

Employee Training

Environmental Technicians hired for weekend part-time help have all received the required 40-hour Hazardous Waste Operations and Emergency Response Training (OSHA 1910.120 — "HAZWOPER"). Technicians work concurrently in fields related to environmental safety and health, and are regularly trained by their private employers. Training topics generally include, but are not limited to: annual 8-hour HAZWOPER refresher, safe chemical handling, spill response, fire extinguisher use, chemical compatibility, health hazard information and personal protective equipment. Documentation of employer training is requested from the employees, and a training file has been established. Training records are available for review upon request.

Before each event, the site supervisor or the assistant site supervisor holds tailgate safety meetings to review emergency procedures and designate an evacuation location. The site layout, location of emergency equipment, and types of required personal protective equipment is also reviewed.

In addition, the County provides its own annual 8-hour HAZWOPER refresher training for the part-time technicians. Cal/OSHA mandates what information must be provided during these trainings (Title 8, Section 5192) and their guidelines are followed. Information on course content is available from the County upon request.

Medical Monitoring of Employees

Employees receive an annual physical from U.S. Health Works: (1) monitor possible chemical exposures; (2) ensure they are still physically capable of wearing a respirator; and (3) ensure that their respirators fit properly. Medical clearances and fit test records are on file with the County and available upon request.

Additional Resources and Safety Plans

HHW program management has been proactive in its attempt to comply with all federal, state, and local hazardous materials compliance and safety regulations. For additional information, the following documents have been prepared by HHW staff and are available for review upon request:

- Occupational Injury and Illness Prevention Plan
- Respiratory Protection Plan

- Operation/Contingency Plan (emergency notifications, site map, etc.)

LOCAL AGENCY APPROVAL

As a member of the Santa Clara County Fire Chiefs' Association, representing the designated city below, I certify that I have reviewed the document entitled "Santa Clara County's Household Hazardous Waste Program: Flammable Liquid Bulking Procedures." These written procedures adequately address fire safety issues as they relate to flammable liquid bulking.

Agency Name: Los Altos
Name of City Representative: Daniel Dunlap
Signature: /s/
Title: Fire Marshal
Date: 9/14/1995

LOCAL AGENCY APPROVAL (Continued)

As a member of the Santa Clara County Fire Chiefs' Association, representing the designated city below, I certify that I have reviewed the document entitled "Santa Clara County's Household Hazardous Waste Program: Flammable Liquid Bulking Procedures." These written procedures adequately address fire safety issues as they relate to flammable liquid bulking.

Agency Name: Los Altos Hills
Name of City Representative: Daniel Dunlap
Signature: /s/
Title: Fire Marshal
Date: 9/14/95

LOCAL AGENCY APPROVAL (Continued)

As a member of the Santa Clara County Fire Chiefs' Association, representing the designated city below, I certify that I have reviewed the document entitled "Santa Clara County's Household Hazardous Waste Program: Flammable Liquid Bulking Procedures." These written procedures adequately address fire safety issues as they relate to flammable liquid bulking.

Agency Name: Milpitas
Name of City Representative: Patricia Joki
Signature: /s/
Title: Hazardous Materials Program Manager
Date: 10/19/95

LOCAL AGENCY APPROVAL (Continued)

As a member of the Santa Clara County Fire Chiefs' Association, representing the designated city below, I certify that I have reviewed the document entitled "Santa Clara County's Household Hazardous Waste Program: Flammable Liquid Bulking Procedures." These written procedures adequately address fire safety issues as they relate to flammable liquid bulking.

Agency Name: Morgan Hill
Name of City Representative: Frank Arnerich
Signature: /s/
Title: Acting Fire Chief
Date: 8/31/95

Post-It™ brand fax transmittal memo 7671		# of pages
To	From	
Mr. King Johnston	Chief Arnerich	
Co. S.C. Gilroy	Co. Morgan Hill Fire	
Dept.	Phone #	
	(408) 776-7351	
Fax #		
(408) 280-6479		

LOCAL AGENCY APPROVAL (Continued)

As a member of the Santa Clara County Fire Chiefs' Association, representing the designated city below, I certify that I have reviewed the document entitled "Santa Clara County's Household Hazardous Waste Program: Flammable Liquid Bulking Procedures." These written procedures adequately address fire safety issues as they relate to flammable liquid bulking.

Agency Name: Mountain View
Name of City Representative: Hugh G. Holden
Signature: /s/
Title: Fire Chief
Date: 9/6/95

LOCAL AGENCY APPROVAL (Continued)

As a member of the Santa Clara County Fire Chiefs' Association, representing the designated city below, I certify that I have reviewed the document entitled "Santa Clara County's Household Hazardous Waste Program: Flammable Liquid Bulking Procedures." These written procedures adequately address fire safety issues as they relate to flammable liquid bulking.

Agency Name: Gilroy
Name of City Representative: Nick Amper
Signature: /s/
Title: Chemical Control Supervisor
Date: 8/29/95

Post-It™ Fax Note 7671		Date	9-12-95	# of pages
To	From			
DEE DEE	NICK AMPER			
Co. Dept. S.C.C.	Co. City of Gilroy			
Phone #	Phone #			
Fax #	Fax #			
(408) 280-6479				

PLEASE ADD:

WARNING SIGNS:

UFC—Sec 79.109.(a)

The chief is authorized to require warning signs for the purpose of pointing out the hazards of storing and using flammable liquids.

UFC—Sec 79.109.(b).

Warning signs shall be of a durable material with red lettering on a white background and shall read “DANGER — FLAMMABLE LIQUIDS”. Letters shall not be less than 3 inches in height and 1/2 inch in stroke

LOCAL AGENCY APPROVAL (Continued)

As a member of the Santa Clara County Fire Chiefs' Association, representing the designated city below, I certify that I have reviewed the document entitled “Santa Clara County's Household Hazardous Waste Program: Flammable Liquid Bulking Procedures.” These written procedures adequately address fire safety issues as they relate to flammable liquid bulking.

Agency Name: San Jose

Name of City Representative: Lacy L. Atkinson

Signature: /s/

Title: Deputy Chief

Date: 12/22/95

LOCAL AGENCY APPROVAL (Continued)

As a member of the Santa Clara County Fire Chiefs' Association, representing the designated city below, I certify that I have reviewed the document entitled “Santa Clara County's Household Hazardous Waste Program: Flammable Liquid Bulking Procedures.” These written procedures adequately address fire safety issues as they relate to flammable liquid bulking.

Agency Name: City of Santa Clara

Name of City Representative: David R. Parker

Signature: /s/

Title: Hazardous Materials Administrator

Date: 9/18/95

LOCAL AGENCY APPROVAL (Continued)

As a member of the Santa Clara County Fire Chiefs' Association, representing the designated city below, I certify that I have reviewed the document entitled “Santa Clara County's Household Hazardous Waste Program: Flammable Liquid Bulking Procedures.” These written procedures adequately address fire safety issues as they relate to flammable liquid bulking.

Agency Name: Saratoga Fire District

Name of City Representative: Ernest O. Kraule

Signature: /s/

Title: Fire Chief

Date: 9/11/95

LOCAL AGENCY APPROVAL (Continued)

As a member of the Santa Clara County Fire Chiefs' Association, representing the designated city below, I certify that I have reviewed the document entitled “Santa Clara County's Household Hazardous Waste Program: Flammable Liquid Bulking Procedures.” These written procedures adequately address fire safety issues as they relate to flammable liquid bulking.*

Agency Name: Sunnyvale

Name of City Representative: Ron Staricha

Signature: /s/

Title: Hazardous Materials Coordinator

Date: 9/1/95

*Clarify the fire extinguisher requirement to read four (4) 2A40BC extinguishers to be available.

County of Santa Clara

Department of Environmental Health
Hazardous Materials Compliance Division
2220 Moorpark Avenue
P.O. Box 28070
San Jose, CA 95159-8070
(408) 299-6930 Fax (408) 280-6479

[illegible]

OFFICIAL NOTICE OF INSPECTION

Facility Name: SCC HHW Temp. Event - DeAnza College		Inspection Date: 8/26/00
Site Address: 21250 Stearns Creek Bl. Lot C		Work Area:
Contact Person(s): Ed Ramos		Employee No.: 6010
Inspection Type: <input type="checkbox"/> Hazardous Materials <input type="checkbox"/> Hazardous Waste <input type="checkbox"/> Toxic Gas	<input type="checkbox"/> Cal-Accidental Release Prevention Program <input type="checkbox"/> Medical Waste Storage/Treatment <input type="checkbox"/> Medical Waste Generator	Samples Taken? <input type="checkbox"/> Yes; <input checked="" type="checkbox"/> No. Photographs Taken? <input type="checkbox"/> Yes; <input checked="" type="checkbox"/> No.

VIOLATIONS: Codes noted below in the "Violation Code" column represent specific violations of State law and/or local Ordinance. These codes are defined in the attached Violation Codes document(s). Time granted for correction of violations does not preclude any enforcement action by this Department or other agencies. This facility may be subject to reinspection at any time.

[illegible]

All violations must be corrected within 30 days of the inspection date unless noted otherwise, above. Section 25187.8 of the State Health and Safety Code (H&SC) requires that you write a brief description of the corrective actions you have taken to bring this facility into compliance and submit it to this Department within 5 days of achieving compliance, or within 35 days of the inspection date, whichever comes first. (Note: Detailed instructions on actions you must take are printed on the reverse side of this page.)

Received by: E. J. Kama Inspected by: Mike Benjamin Entered by: _____

Certification: I certify under penalty of perjury that this facility has complied with directives specified in this Notice to Comply.

Signature of Owner/Operator: _____ Title: _____ Date: ____/____/____

FACILITY SENDS YELLOW COPY TO AGENCY, KEEPS PINK COPY.

County of Santa Clara

Department of Environmental Health
Hazardous Materials Compliance Division
2220 Moorpark Avenue
P.O. Box 28070
San Jose, CA 95159-8070
(408) 299-6930 Fax (408) 280-6479

Program Record ID	PE	SC	Time
371389	2265	01	240

OFFICIAL NOTICE OF INSPECTION

Facility Name: <u>SCC Temp. HHW Event</u>	Inspection Date: <u>3/23/02</u>
Site Address: <u>611 S. El Monte Ave Los Altos</u>	Work Area:
Contact Person(s): <u>Ed Ramos</u>	Employee No.: <u>6010</u>
Inspection Type: <input type="checkbox"/> Hazardous Materials <input checked="" type="checkbox"/> Hazardous Waste <input type="checkbox"/> Toxic Gas <input type="checkbox"/> Cal-Accidental Release Prevention Program <input type="checkbox"/> Medical Waste Storage/Treatment <input type="checkbox"/> Medical Waste Generator	Samples Taken? <input type="checkbox"/> Yes; <input checked="" type="checkbox"/> No. Photographs Taken? <input type="checkbox"/> Yes; <input checked="" type="checkbox"/> No.

VIOLATIONS: Codes noted below in the "Violation Code" column represent specific violations of State law and/or local Ordinance. These codes are defined in the attached Violation Codes document(s). Time granted for correction of violations does not preclude any enforcement action by this Department or other agencies. This facility may be subject to reinspection at any time.

[illegible]

All violations must be corrected within 30 days of the inspection date unless noted otherwise, above. Section 25187.8 of the State Health and Safety Code (H&SC) requires that you write a brief description of the corrective actions you have taken to bring this facility into compliance and submit it to this Department within 5 days of achieving compliance, or within 35 days of the inspection date, whichever comes first. (Note: Detailed instructions on actions you must take are printed on the reverse side of this page.)

Received by: Ed Barnes Inspected by: Mike Benjamin Entered by: _____

Certification: I certify under penalty of perjury that this facility has complied with directives specified in this Notice to Comply.

Signature of Owner/Operator: _____ Title: _____ Date: ____/____/____

FACILITY SENDS YELLOW COPY TO AGENCY, KEEPS PINK COPY.

County of Santa Clara

Environmental Resources Agency
Department of Environmental Health
Hazardous Materials Compliance Division

1555 Berger Drive, Suite 300
San Jose, CA 95112-2716
(408) 918-3400 Fax (408) 280-6479 www.EHinfo.org

CO/PR/TA ID	PE	SC	Time

OFFICIAL NOTICE OF INSPECTION

Facility Name: <u>SCC - THINUF (DE ANTA COLLECT)</u>	Inspection Date: <u>7/2/04</u>
Site Address: <u>21250 STEVENS CREEK BL, CUPERTINO</u>	Employee No.: <u>4678</u>
Contact Person(s): <u>ED RAIMO</u>	Samples Taken? <input type="checkbox"/> Yes; <input checked="" type="checkbox"/> No. Photographs Taken? <input type="checkbox"/> Yes; <input checked="" type="checkbox"/> No.
Inspection Type: <input type="checkbox"/> Hazardous Materials <input checked="" type="checkbox"/> Hazardous Waste <input type="checkbox"/> Tiered Permit <input type="checkbox"/> Toxic Gas <input type="checkbox"/> Cal-Accidental Release Prevention Program <input type="checkbox"/> Other	Hazardous Waste Generator Type: <input type="checkbox"/> < 1,000 Kg/mo. <input checked="" type="checkbox"/> ≥ 1,000 Kg/mo. <input type="checkbox"/> CESQG <input type="checkbox"/> Satellite Only

VIOLATIONS: Codes noted below in the "Violation Code" column represent specific violations of State law and/or local Ordinance. These codes are defined in the attached Violation Codes document(s). Time granted for correction of violations does not preclude any enforcement action by this Department or other agencies. This facility may be subject to reinspection at any time.

Violation Codes	Summary of Violations, Notice to Comply, Observations, and Required Corrective Actions	Corrective Actions Taken
	Walkthrough conducted 8/26/04.	
2299	(2): Facility has documents delineating buffer to resolve the documents has not been submitted to local agencies. Initial copies to fire police agencies within 30 days of scheduling the work.	A letter will be sent to all the local agencies.
2212C	1x 55 gallon waste drum (Hazardous Waste) not completely full on uneven area. Part of drum was in unprotected asphalt (inside the perimeter of waste handling. This situation was corrected during the inspection.	Staff has been instructed to keep all of the waste on the uneven area.
	Correct violations within 30 days by indicating that corrective action will be done as specified above & returning the yellow copy of this inspection report.	Completed & certified.

All violations must be corrected within 30 days of the inspection date unless noted otherwise, above. Section 25187.8 of the State Health and Safety Code (H&SC) requires that you write a brief description of the corrective actions you have taken to bring this facility into compliance and submit it to this Department within 5 days of achieving compliance, or within 35 days of the inspection date, whichever comes first. (Note: Detailed instructions on actions you must take are printed on the reverse side of this page.)

Received by: Ed Raimo Inspected by: May Ann J. M. Entered by:

Certification: I certify under penalty of perjury that this facility has complied with directives specified in this Notice to Comply.

Signature of Owner/Operator: Ed Raimo Title: Lead Hazardous Materials Spc. Date: 09/30/04

FACILITY SENDS YELLOW COPY TO AGENCY, KEEPS PINK COPY.

HMCD-014 - 1/2

Page 1 of 1

Rev. 11/19/01

© 2004 REV 11/01

LOCAL AGENCY APPROVAL

The Bay Area Air Quality Management District has jurisdiction over air pollution prevention regulations and policies in the entire County. In addition, a number of local fire prevention agencies have jurisdiction over fire safety and hazardous materials management. The County Fire Marshal also has jurisdiction in some cities and in the unincorporated areas.

The County operates mobile “temporary household hazardous waste collection facilities” (THHWCF) in the following cities: Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Milpitas, Monte Sereno, Morgan Hill, Mountain View, San Jose, Santa Clara, Saratoga, and Sunnyvale.

Local agency approval of this document is provided below and on the following pages by the Bay Area Air Quality Management District and by each jurisdiction’s local fire prevention agency.

Air Pollution Agency: Bay Area Air Quality Management District

As a representative of the local air pollution agency for Santa Clara County, I have reviewed the document entitled “Santa Clara County’s Household Hazardous Waste Program: Flammable Liquid Bulking Procedures.” These written procedures adequately address air quality concerns as they relate to flammable liquid bulking.

Agency: Bay Area Air Quality Management District
Name: Scott Lutz
Signature: /s/
Title: Supervising Air Quality Engineer
Date: 8/30/95

LOCAL AGENCY APPROVAL (Continued)

I certify that I have reviewed the document entitled “Santa Clara County’s Household Hazardous Waste Program: Flammable Liquid Bulking Procedures.”

These written procedures adequately address fire safety issues as they relate to flammable liquid bulking.

Agency Name: County of Santa Clara–CUPA
Name: Jim Blamey
Signature: /s/
Title: Program Manager — HazMat Programs
Date: 12/22/05

Appendix B

2. The variance applies to the consolidation of Flammable liquids that consist of solvents, oil base paint, and gasoline collected at the household hazardous waste collection events.

11. Contacts:

- Bay Area Air Quality Management District
Scott Lutz (415) 771–6000
939 Ellis St.
San Francisco, CA 94109
- County of Santa Clara
MaryAnne Baker (408) 918–1975
1555 Berger Dr Suite 300
San Jose, CA 95112
- Central Fire
Steve Gubber (408) 378–4010
14700 Winchester Blvd.
Los Gatos, CA 95030
- Los Altos Fire Dept
Daniel Dunlap (415) 948–2404
10 Almond Ave.
Los Altos, CA 94022
- Milpitas Fire Dept
Patricia Joki (408) 942–2386
455 E. Calaveras Blvd.
Milpitas, CA 95035
- Santa Clara Fire Dept
Angela Sullivan (408) 241–3006
1177 Alviso St.
Santa Clara, CA 95050



SANTA CLARA COUNTY
CENTRAL FIRE PROTECTION DISTRICT
14700 WINCHESTER BOULEVARD
LOS GATOS, CA 95030-1818

408-378-4010

SERVICE

SINCE 1947

FAX 408-378-9342

16 October 1995

Kelley Johnston
Santa Clara County
Hazardous Materials Compliance Division
2220 Moorpark Avenue, East Wing, Room 204
San Jose, CA 95128-2690

RE: Approval of flammable liquid bulking procedures for Household Hazardous Waste (HHW) events.

Dear Ms. Johnston,

In response to your request for approval of the flammable liquid bulking procedures for HHW drop-off operations, I reviewed your submittal dated 29 August 1995. The procedures are approved with the following condition:

Please provide notification to this office prior to any HHW drop-off event at least 15 days in advance of such event.

This notification is necessary for two reasons. First, emergency response personnel need to be alerted as to when and where the HHW drop-off event will take place. Second, this department may wish to visit the HHW drop-off event in order to confirm that planned fire safety operations are being followed.

This conditional approval applies to those boundaries within jurisdictions of Campbell, Cupertino, Los Gatos, Monte Serena, Saratoga and the unincorporated areas of Santa Clara County that are within the Central Fire Protection District.

If you have any questions, you can contact me at 378-4010.

Sincerely,

/s/
Steve Gubber
Senior Hazardous Materials Specialist

cc: Dirk Mattern, Deputy Chief

*Serving West Valley Cities of:
Campbell, Cupertino, Monte Sereno, Saratoga, Town of Los Gatos, and Adjacent County Areas*

County of Santa Clara

Environmental Resources Agency
Department of Environmental Health
Hazardous Materials Compliance Division
1555 Berger Drive, Suite 300
San Jose, California 95112-2716
(408) 918-3400 FAX (408) 280-6479
www.EHinfo.org



January 1, 2006

Mary Misemer
Department of Toxic and Substance Control
Household Hazardous waste Liaison
P.O. Box 806
Sacramento, Ca 95812-0806

Dear Mary,

The County of Santa Clara, Department of Environmental Health, Household Hazardous Waste Program would like to request a renewal of our variance #HHWVAR970101R. The variance presently allows for the consolidation of flammable liquids during temporary household hazardous waste collections. We would like the renewed variance to be effective for an additional three years, through January 31, 2009. Per your request for your review, I have enclosed the variance application, past CUPA inspection reports, and approvals of our bulking procedures from the local CUPA, Air Board, and fire agencies. We have been operating our temporary events under this variance since 1996 without an incident and with the oversight and approval from the local fire agencies and local CUPA

Agency: County of Santa Clara
Department of Environmental Health
Household Hazardous Waste Program
1555 Berger Drive, suite 300
San Jose, CA 95112-2716

Contact: Rob D'Arcy
Hazardous Materials Program Manager
Telephone Number (408) 918-1967

If you have any questions or comments, you may contact me at (408)202-8557 or email me at edward.ramos@deh.co.scl.ca.us

Sincerely,

/s/

Ed Ramos
Lead Hazardous Materials Specialist
Household Hazardous Waste Program

Board of Supervisors: Donald F. Gage, Blanca Alvarado, Pete McHugh, James T. Beall, Jr., Liz Kniss
County Executive: Peter Kutas, Jr.

APPLICATION FOR HOUSEHOLD HAZARDOUS WASTE ACTIVITY VARIANCE

RETURN TO: HOUSEHOLD HAZARDOUS WASTE UNIT
Regulatory Program Development Branch
Department of Toxic Substances Control
1001 "I" Street, 11th floor
P.O. Box 806
Sacramento, CA 95812

Public Agency County of Santa Clara Dept of

Applicant: Environmental Health

Activity Location: County of Santa Clara

City, State, Zip: San Jose, CA 95112

EPA ID #: CAH111000514

HW Hauler ID #: 3 5 5 0

Contractor: Philip Services

Contractor Address: 535 Getty Ct. Suite H

City, State, Zip: Benicia, CA 94510

EPA ID #: CAR000640121

HW Hauler ID #: 3 2 8 2

VARIANCE REQUESTED: Specific section(s) of the HSC or Title 22 that the variance is being applied for. Division 4.5, Section 67450.4 (e) (2) (A)

B. I am requesting a variance pursuant to California Health and Safety Code (HSC), section 25143, because the following conditions apply: ATTACH SUPPORTING INFORMATION

The hazardous waste is solely a non-RCRA hazardous waste or the hazardous waste or its management is exempt from, or is not otherwise regulated pursuant to the Resource Conservation and Recovery Act (RCRA); and meets one or both of the findings listed below

- ☒ The hazardous waste or hazardous waste management activity is insignificant or unimportant as a potential hazard to human health and safety and the environment because of its small quantity, low concentration and/or physical or chemical characteristics; and/or
- ☒ The handling, processing, or disposal of the hazardous waste, or the hazardous waste management activity, is regulated by another government agency in a manner that ensures it will not pose a substantial present or potential hazard to human health and safety and the environment.

CERTIFICATION. I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designated to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted in this application and attachment, is to my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Rob D'Arcy / Program Manager [Signature] 12-28-05
(Printed Name of Applicant) (Title) (Applicant's Signature) (Date)

Ed Ramos 1555 Berger Drive Suite 300, San Jose, CA 95112
(Printed name of Contact Person) (Applicant's Address)

(408) 202-8557 / (408) 280-6479 San Jose CA 95112
(Phone Number) (Fax Number) (City) (State) (Zip)

SUPPORTING INFORMATION
APPLICATION FOR HOUSEHOLD HAZARDOUS
WASTE ACTIVITY VARIANCE

Along with the Application for Hazardous Waste (HW) Activity Variance, we will need the following information to determine whether or not a variance will be issued. Please give your answers on a separate piece of paper and attach it to the signed Application for Hazardous Waste Activity Variance

1. What Health and Safety Code or California Code of Regulation, Title 22 sections are you requesting a variance from?
 - ___ a. Health and Safety Code, section 25201 (facility permit requirements)
 - ___ b. Health and Satiety Code, section 25160 (manifest requirements)
 - ___ c. Health and Safety Code, section 26163(a) (HW transporter/hauler registration requirements)
 - ___ d. Other Health and Safety Code, section(s) _
 - ☒ e. California Code of Regulations, title 22, section(s) Division 4.5, Section 67450.4(e)(2)(A)
2. Describe the physical characteristics and chemical composition of the HW or the specification of the HW management activity to which the variance applies (e.g., CESQG, HHW)
See Appendix A
3. Whose waste be collected? From where will the HW be transported?
N/A
4. What quantities of HW are involved? How frequently will HW be transported under this variance?
N/A
5. How will the HW be packaged, marked or labeled for transportation?
N/A

6. Give the proper DOT shipping description for the HW, if applicable, (List standard DOT classes, if known)
N/A
7. Give the name of all registered transporters transporting the waste? Please provide copys of DTSC registrations if applicable
N/A
8. Where will the HW be taken? Is this an authorized or permitted facility? If stored for consolidation purposes, give the temporary storage facility address and indicate how long it will be stored at this location.
N/A
9. Do you or your contractor have the proper insurance/financial responsibility coverage for transporting or otherwise managing the HW. Please provide copies of appropriate insurance/financial responsibility coverage.
The County of Santa Clara is self insured.
If a variance from appropriate insurance/financial responsibility is requested please explain why insurance coverage is not needed.
10. Will the waste be shipped using a Uniform Hazardous Waste Manifest? If a manifest variance is requested, give reasons showing why this variance is needed. Attach an example of shipping papers you plan to use in place of the manifest.
N/A
11. If bulking wastes (e.g., oil, latex, paint, solvents, flammables, etc.) provide the contact name, phone number, and mailing address of your local fire department, the local Air Quality Management District, and CUPA. In addition provide written documentation that these agencies have approved the activity it applicable.
See Appendix B
12. Explain how proper oversight and enforcement will be provided to ensure compliance with this variance.
Oversight and enforcement will be provided by the county of Santa Clara CUPA when they come out to do the Permit by Rule Inspections.

NOTICE OF EXEMPTION

To: Office of Planning and Research
State Clearinghouse
P.O. Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control
Hazardous Waste Management Program
State Regulatory Programs Division
P.O. Box 806
Sacramento, CA 95812-0806

Project Title: Flammable Bulking Variance for Santa Clara County Health Department Household Hazardous Waste (HHW) Program — HHWVAR970101 R3

Project Location: County Wide **County:** Santa Clara

Project Description: Santa Clara County Household Hazardous Waste (HHW) Program has requested a variance from California Code of Regulations, title 22 section 67450.4(e)(2)(A) which prohibits the bulking of hazardous waste oil based paint, solvents, or gasoline during the hours that hazardous waste are being received at temporary HHW collection events sponsored by the County. This variance is based on the evidence that: 1. The Santa Clara County CUPA and the applicable fire and pollution prevention agencies have approved and enforce the Flammable Liquid Bulking Procedures (attached) used by Santa Clara County HHW Collection Program; 2. Wastes will be consolidated by trained personnel wearing appropriate personal protective equipment taking all appropriate health and safety precautions; 3. Consolidation shall be at least 50 feet from areas accessible to the general public; 4. Consolidation shall only be done outside under favorable conditions; and 5. Santa Clara County HHW Program received its first variance from this requirement in 1997 and has operated the bulking operations without incident at temporary events under the oversight of the Santa Clara County CUPA and local fire agencies.

Name of Public Agency Approving Project: Department of Toxic Substances Control



Name of Person or Agency Carrying Out Project: Santa Clara County Department of Health, HHW Program

Exemption Status: (check one)

- ☐ Ministerial [PRO, Sec. 21080(b)(1); CCR, Sec. 15268]
- ☐ Declared Emergency [PRO, Sec. 21080(b)(3); CCR, Sec. 15269(a)]
- ☐ Emergency Project [PRO, Sec. 21080(b)(4); CCR, Sec. 15269(b)(c)]
- ☐ Categorical Exemption: [State type and section number]
- ☐ Statutory Exemptions: [State code section number]
- ☒ General Rule [CCR, Sec. 15061(b)(3)]

Exemption Title: No possibility of a significant effect on the environment.

Reasons Why Project is Exempt: 1. Public participants are required to remain in their vehicle at all times and traffic will be directed in such a way as to remain a distance of at least 50 feet from the consolidation areas; 2. The fire department has determined that a distance of 50 feet from the consolidation area is an adequate distance to prevent exposure to hazardous constituents by any public participant; 3. Waste will be pre-evaluated to ensure compatibility with other consolidated wastes to prevent any possibility of fire or reaction; 4. Consolidation will be conducted by qualified personnel, trained in proper consolidation procedures, and wearing appropriate personal protect equipment including a respirator; 5. The number of hours consolidating waste will be limited and the length of time the workers will consolidate waste will be limited to prevent excessive worker exposure; and 6. A monitoring program evaluated by DTSC found no adverse effect on the public or workers during past events following the approved consolidation protocol.

Mary Misemer Project Manager Name	Hazardous Substances Scientist Project Manager Title	(916) 323-9618 Phone #
 Branch Chief Signature		 Date
Karl Palmer Branch Chief Name	Chief, Regulatory and Program Development Branch Branch Chief Title	(916) 445-2625 Phone #

TO BE COMPLETED BY OPR ONLY
Date Received For Filing and Posting at OPR:

NOTICE OF EXEMPTION TRACKING FORM

Project Title: Hazardous Waste Facility Variance for Santa Clara County Household Hazardous Waste Program
HHWVAR970101R3

Project Location (Include County): Santa Clara County

PCA Code: 36512 Site Code: NA WP: NA
MPC:NA

Lead Staff Person: Mary Misemer Phone # (916) 323-9618

Unit or Section: Household Hazardous Waste Unit Chief: Andre Algazi Phone: (916)324- 3114

DTSC Office

Location Name: Headquarters FAX: (916) 327-4495

Step #1 Project Manager prepares the NOE; attaches the transmittal memorandum for internal review, initials and dates; the Branch Chief signs off and submits the completed package to the Chief of the Office of Environmental Analysis and Regulations (OEAR).

Mary Misemer 6/20/06
Project Manager Signature Date
Mary Misemer
Name of Person Signing

Karl Palmer 6/21/06
Branch Chief/Designee Signature Date
Karl Palmer
Name of Person Signing

Step #2 NOE is date stamped, logged and assigned to OEAR staff. OEAR will review and evaluate within fifteen (15) working days of the date received. A written response will be provided if changes are needed. OEAR Chief signs the tracking form with a copy of the NOE and attachments.

Eric M. Maher 6/21/06
Chief, OEAR/Designee Signature Date
Name of Person Signing

Step #3 OEAR files the NOE to the Office of Planning and Research, State Clearinghouse.

Date Mailed to OPR

DISAPPROVAL DECISIONS

**DECISIONS OF DISAPPROVAL OF
REGULATORY ACTIONS**

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

DEPARTMENT OF INSURANCE

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW**

In re:

DEPARTMENT OF INSURANCE

REGULATORY ACTION:

Title 10

California Code of Regulations

AMEND: 2534.40, 2534.41, 2534.42, 2534.43,
2534.44, 2534.45, 2534.46, 2534.47

**DECISION OF
DISAPPROVAL
OF REGULATORY ACTION**

(Gov. Code, sec. 11349.3)

OAL File No. 06-0509-01 S

DECISION SUMMARY

In this regulatory action, the Department of Insurance (“DOI”) adopts provisions governing mutual fund investments involved in variable life insurance products. This action codifies Insurance Department Bulletin 97-2 in regulation form as mandated by AB 2778 (Chap. 347, Stats. 2002).

Date: June 28, 2006

Gordon R. Young
Senior Staff Counsel

For:

WILLIAM L. GAUSEWITZ

Director

Original: John Garamendi, Insurance Commissioner

Cc: Gene Woo, Senior Staff Counsel

**SPEECH-LANGUAGE PATHOLOGY AND
AUDIOLOGY BOARD**

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW**

In re:

**AGENCY: SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY
BOARD**

REGULATORY ACTION:

Title 16

California Code of Regulations

Amend sections 1399.152 and 1399.156.4

**DECISION OF PARTIAL
DISAPPROVAL OF REGULATORY
ACTION**

(Gov. Code, sec. 11349.3)

OAL File No. 06-0519-07 S

SUMMARY OF REGULATORY ACTION

The Speech-Language Pathology and Audiology Board (“Board”) amended regulations governing the accreditation and approval of institutions and programs attended by prospective licensees and the advertising regulation controlling the licensees in this regulatory action.

On July 3, 2006, the Office of Administrative Law (“OAL”) notified the Board of the approval of the amendment to Title 16 of the California Code of Regulations (“CCR”) section 1399.152 and disapproval of the amendment to Title 16 CCR section 1399.156.4, pertaining to advertising. OAL disapproved section 1399.156.4 for the following reasons: (1) failure to comply with the “Consistency” standard of Government Code section 11349.1, (2) failure to comply with the “Necessity” standard of Government Code section 11349.1, and (3) failure to comply with the “Clarity” standard of Government Code section 11349.1.

July 3, 2006

HOLLY GENEVA STOUT
Staff Counsel

For:
WILLIAM L. GAUSEWITZ
Director

Original: Annemarie DelMugnaio, Executive Director
Cc: George Ritter, DCA, Senior Staff Counsel

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

AIR RESOURCES BOARD Conflict of Interest

The Air Resources Board is amending its conflict of interest code found at title 17, sections 95000, 95001, 95002, 95003, 95004, 95005, 95007, California Code of Regulations. The Fair Political Practices Commission approved the amendments for filing on January 26, 2005, extended by letter dates May 26, 2006.

Title 17
California Code of Regulations
AMEND: 95000, 95001, 95002, 95003, 95004, 95005, 95006, 95007
Filed 07/05/06
Effective 08/04/06
Agency Contact: Alexa Malik (916) 322-4011

BOARD FOR GEOLOGISTS AND GEOPHYSICISTS Cite and Fine Penalty Increase

This amendment of 16 CCR §3062.1 and 16 CCR §3063.1 is to adjust the maximum civil penalty amount that can be assessed licensed or unlicensed individuals who violate the Geologist and Geophysicists Act. Currently the amount is set at \$2500, but the legislature passed SB362 amending Business & Professions Code

§125.9 allowing for the increase of fines up to \$5000. In this rulemaking package BRGG is amending §3062.1 and §3063.1 to increase the amount of the fine to \$5000 when special circumstances are met.

Title 19
California Code of Regulations
AMEND: 3062.1, 3063.1
Filed 07/05/06
Effective 08/04/06
Agency Contact:
Christine Doering (916) 263-2113

DEPARTMENT OF FOOD AND AGRICULTURE Japanese Beetle Eradication Area

An emergency eradication response is necessary now to ensure the Japanese beetle does not continue to multiply and/or spread to other uninfested areas of the state. The Japanese beetle has the capability of causing significant irreparable harm to California's agricultural industry and environment. This emergency would establish San Diego County as the eradication area for Japanese beetles. To enable rapid eradication responses to newly discovered small infestations without frequent amendment of the regulation; the entire county of San Diego is established as an eradication area.

Title 3
California Code of Regulations
AMEND: 3589(a)
Filed 07/03/06
Effective 07/03/06
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE Diaprepes Root Weevil Interior Quarantine

This emergency regulatory action will add approximately three (3) square miles in the Carlsbad area of San Diego County to areas already under quarantine in the county for the Diaprepes abbreviatus (West Indian sugarcane root borer or Diaprepes root weevil).

Title 3
California Code of Regulations
AMEND: 3433(b)
Filed 06/28/06
Effective 06/28/06
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE Gypsy Moth Eradication Area

This emergency regulatory action adds Riverside County to the Eradication area for the Gypsy Moth (*Limntria dispar*). Marin, Nevada, San Diego and Santa Cruz counties are already established as eradication areas for this purpose. The regulations also establishes the means and methods that may be used to eradicate and control this pest within this area.

Title 3
California Code of Regulations
AMEND: 3591.6
Filed 07/05/06
Effective 07/05/06
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF INSURANCE**Self-Service Storage Insurance Agent License**

AB2520 of 2004 (CH. 428, Stats 2004) requires the Commissioner of Insurance to regulate the licensing of self-service storage insurance. The adopted regulations do the following: define terms, licensing requirements, fees, disclosures and continuing education requirements for licensees. This rulemaking was previously submitted and withdrawn (OAL File Number 05-0930-02 E). The adoption of these regulations are a deemed emergency pursuant to Insurance Code Section 1758.792.

Title 10
California Code of Regulations
ADOPT: 2194.9, 2194.10, 2194.11, 2194.12, 2194.13, 2194.14, 2194.15, 2194.16, 2194.17
Filed 06/30/06
Effective 06/30/06
Agency Contact: Julie D. Soo (415) 538-4429

DEPARTMENT OF JUSTICE**Repealing and Renumbering**

This action without regulatory effect repeals and renumbers Department of Justice Firearms Regulations.

Title 11
California Code of Regulations
ADOPT: 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4030, 4031, 4032, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4045, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4
Filed 06/28/06
Effective 07/28/06
Agency Contact:
Nathaniel Barrell (916) 227-0163

DEPARTMENT OF MOTOR VEHICLES**Schools for Traffic Violators**

This action without regulatory effect deletes outdated forms and fees.

Title 13
California Code of Regulations
AMEND: 345.16
Filed 06/29/06

Effective 07/29/06
Agency Contact: Randi Calkins (916) 657-8898

DEPARTMENT OF MOTOR VEHICLES**Electronic Insurance Reporting Program**

Department of Motor Vehicles proposes this action to adopt regulations based on changes in the Vehicle Code in 2004 and 2005 that cover proof of financial responsibility by registered vehicle owners and electronic reporting of insurance coverage by insurers.

Title 13
California Code of Regulations
ADOPT: 85.00, 85.02, 85.04, 85.06, 85.08
Filed 06/30/06
Effective 07/30/06
Agency Contact: Christie Patrick (916) 657-5567

DIVISION OF WORKERS COMPENSATION**Medical Legal Fees**

This filing amends two of the three regulation sections that comprise Article 5.6, "Medical-Legal Expenses and Comprehensive Medical-Legal Evaluations". Specifically, this regulatory action revises the fees for medical-legal evaluations, adds a new definition for "Medical Research", and makes other revisions as to what is covered and what is required within different categories of payments for medical-legal expenses and evaluations. This filing is submitted to the Office of Administrative Law only for filing with the Secretary of State and publication in the California Code of Regulations in that it "...establishes or fixes rates, prices, or tariffs" within the meaning of Government Code section 11340(g). . . ."

Title 8
California Code of Regulations
AMEND: 9793, 9795
Filed 06/30/06
Effective 07/01/06
Agency Contact: Richard Starkeson (415) 703-4993

EMPLOYMENT TRAINING PANEL**MEC/New Hire**

This regulatory action provides for multiple employer contracts, in-kind contributions, new hire training, and start dates.

Title 11
California Code of Regulations
ADOPT: 4400(l), 4400(mm), 4401.1, 4406
AMEND: 4440.3 REPEAL: 4400(l), 4406
Filed 06/28/06
Effective 07/28/06
Agency Contact: Maureen Reilly (916) 327-5422

FISH AND GAME COMMISSION
Mammal Hunting Regulations 2006–2007

Tag quota changes in the mammal hunting regulations. Also adds some junior hunts.

Title 14
California Code of Regulations
AMEND: 360, 361, 362, 363, 364
Filed 06/30/06
Effective 06/30/06
Agency Contact: Jon Snellstrom (916) 653–4899

OFFICE OF SPILL PREVENTION AND RESPONSE
Tank Vessel Escort Program for Los Angeles/Long Beach Harbors

Under existing section 851.23 of title 14, all escort tugs in the Los Angeles/Long Beach Harbor used for escorting vessels must have their static bollard pull measured and certified at least once every three years. Previously existing subsection (a)(6)(A)1. provides for an extension to the board pull re-test date for good cause for up to one year from the date the bollard pull test certificate expires. This filing is a readoption of an emergency regulatory action that amended subsection (a)(6)(A)1. to lengthen the extension period to up to two years from the date the bollard pull test certificate expires.

Title 14
California Code of Regulations
AMEND: 851.23
Filed 06/29/06
Effective 06/29/06
Agency Contact:
Joy D. Lavin–Jones (916) 327–0910

SAN FRANCISCO BAY CONSERVATION AND
DEVELOPMENT COMMISSION
San Francisco Bay Plan

This action is the Commissioner’s adoption of Bay Plan Amendment No. 1–06 which amended the San Francisco Bay Plan Maps Nos. 4 and 5 and San Francisco Seaport Plan Figure 4 by deleting the port priority use area designation from approximately six acres of land on the east side of Interstate 880 in the City of Oakland.

OAL’s review of this action is limited to a review under the provisions of Government Code section 11354.1.

Title 14
California Code of Regulations
AMEND: 11900
Filed 06/30/06
Effective 06/30/06

Agency Contact:
Jeffry Blanchfield (415) 352–3654

SPEECH–LANGUAGE PATHOLOGY AND
AUDIOLOGY BOARD

Board Approved Institutions/Advertising

These proposed regulations update the requirements to be an “institution approved by the board” for licensing purposes. The Board is authorized to adopt regulations governing what type of educational institution/program is acceptable to become a licensed speech pathologist or audiologist. The proposed amendments to section 1399.152 recognize additional new accrediting agencies and remove references to obsolete institutions and documents.

The amendments to section 1399.156.4 restrict the advertising of degrees received by speech–language pathologists and audiologists. The amendments categorize as “false, deceptive and misleading” any licensee’s advertisement which indicates a degree was received from an institution if the institution meets one of a number of criteria. The criteria include, but are not limited to, revocation or suspension of the institution’s accreditation at any time while the licensee was in attendance or within one year after the licensee graduated, or an institution which makes “false, deceptive or misleading advertisements or claims with respect to the rigor, integrity or quality of the degrees it awards.”

Title 16
California Code of Regulations
AMEND: 1399.152, 1399.156.4
Filed 07/03/06
Effective 08/02/06
Agency Contact:
Annemarie Del Mugnaio (916) 263–2666

STATE WATER RESOURCES CONTROL BOARD
TMDL for Diazinon and Chlorpyrifos Runoff in Lower San Joaquin River

This rulemaking action establishes the total maximum daily load (“TMDL”) for the pesticides diazinon and chlorpyrifos in the lower San Joaquin River. The regulations establish a December 1, 2010 compliance deadline. A formula is included to determine the waste-load allocations for each of the pesticides addressed by this regulation. Regulations prohibit the discharge of either pesticide during the dormant (December — March) and irrigation (April — September) seasons if there was any exceedance of the pesticide levels in the previous season. Those affected may obtain a waiver to this prohibition if necessary. The TMDL will be reviewed every five years, starting December 1, 2009, to ensure the TMDL is not overly restrictive or generous.

Title 23
California Code of Regulations
ADOPT: 3949
Filed 06/30/06
Effective 06/30/06
Agency Contact: Glenda Marsh (916) 341-5558

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN FEBRUARY 01, 2006 TO
JULY 05, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

03/28/06 AMEND: 1395
03/27/06 ADOPT: 250, 260, 270, 280 AMEND: 55

Title 2

06/20/06 AMEND: 18537
06/08/06 AMEND: 18526
05/26/06 ADOPT: 18438.5 AMEND: 18438.8
05/25/06 AMEND: 18942
05/24/06 AMEND: 433.1
05/24/06 ADOPT: Div. 8, Ch. 111, Sec. 59560
05/17/06 ADOPT: 22610.1, 22610.2, 22610.3, 22610.4
05/15/06 AMEND: 1859.2, 1859.40, 1859.51, 1859.70, 1859.93.1, 1859.95, 1859.147, Form SAB 50-04
05/08/06 AMEND: 18537.1
04/24/06 AMEND: 20108.70, Division 7
04/10/06 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80
04/04/06 ADOPT: 18215.1 AMEND: 18225.4, 18428
03/14/06 ADOPT: 1859.70.3, 1859.71.5, 1859.78.9, 1859.93.2, 1859.93.3 AMEND: 1859.2, 1859.61, 1859.74, 1859.77.1, 1859.79, 1859.79.2, 1859.83, 1859.104, 1859.202, 1859.66

03/08/06 AMEND: 56, 56.1, 56.2, 56.3, 56.4, 56.5, 56.6, 56.7, 56.8
02/28/06 AMEND: 57.1, 57.2, 57.3, 57.4
02/21/06 AMEND: 2320(a) (2)
02/21/06 ADOPT: 18361.10
02/21/06 REPEAL: 2550, 2551, 2552, 2553, 2554, 2555, 2556
02/21/06 ADOPT: 18371
02/16/06 AMEND: Div. 8, Ch. 58, Sec. 54700

Title 3

07/05/06 AMEND: 3591.6
07/03/06 AMEND: 3589(a)
06/28/06 AMEND: 3433(b)
06/12/06 AMEND: 3433(b)
05/23/06 ADOPT: 6580, 6582, 6584
05/23/06 ADOPT: 3424
05/19/06 AMEND: 3433(b)
05/18/06 ADOPT: 1472.7.2 AMEND: 1472, 1472.4
05/18/06 AMEND: 3591.12(a)
05/11/06 AMEND: 3591.19
04/28/06 AMEND: 1380.19, 1420.10
04/27/06 AMEND: 3406(b)
04/13/06 AMEND: 1446.4, 1454.10, 1462.10
04/11/06 AMEND: 3700(c)
04/11/06 AMEND: 3700(c)
04/10/06 AMEND: 3406(b)
03/30/06 AMEND: 3406(b)
03/28/06 AMEND: 3406(b)
03/23/06 ADOPT: 6310 AMEND: 6170
03/07/06 AMEND: 3700(c)
03/01/06 AMEND: 3406(b)
02/22/06 AMEND: 3406(b)
02/21/06 ADOPT: 3591.19(a)(b)(c) AMEND: 3591.19(a)
02/21/06 AMEND: 3700(c)
02/21/06 AMEND: 3433(b)
02/16/06 ADOPT: 3433
02/07/06 AMEND: 6502
02/02/06 AMEND: 3700(c)

Title 4

06/20/06 AMEND: 1472
06/01/06 AMEND: 8070(d), 8071(a)(9), 8072, 8073(c), 8074(b), 8076(c)(1)
05/18/06 ADOPT: 12358
05/05/06 AMEND: 150
03/24/06 ADOPT: 10175, 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10189, 10190, 10191
03/23/06 ADOPT: 10302(bb), 10305(d), 10305(e), 10315(d), 10315(j), 10320(b), 10322(e),

	10325(c), 10325(c)(3)(K), 10325(c)(6), 10325(c)(8), 10325(c)(12), 10325(f)(7), 10325(f)(10), 10325(g)(5)(B)(ii), 10325(g)(5)(B)(iv), 10325(g)(5)(B)(v), 10326(g)(6), 1036(g)(7)		32605, 32607, 32609, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32647, 32648, 32649, 32650, 32680, 32690, 32781, 32980, 33020, 40130
02/28/06	AMEND: 4143	04/04/06	ADOPT: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6095, 6100, 6105, 6110, 6115, 6120 REPEAL: 1200, 1204, 1205, 1210, 1215, 1216, 1217, 1220, 1225, 1230, 1240, 1250, 1270, 1280
Title 5		04/03/06	AMEND: 1720
06/12/06	ADOPT: 19833.5, 19833.6 AMEND: 19815, 19816, 19816.1, 19819, 19824, 19828.1, 19831	03/22/06	AMEND: 9701, 9702, 9703
06/09/06	ADOPT: 19827 AMEND: 19812, 19813, 19814, 19814.1, 19815, 19816, 19817, 19817.1, 19826, 19826.1, 19836, 19851, 19853	03/15/06	AMEND: 1710(f)
05/25/06	AMEND: 1074	03/14/06	ADOPT: 9783.1 AMEND: 9780, 9780.1, 9781, 9782, 9783 REPEAL: 9780.2, 9784
05/16/06	ADOPT: 51025.5	02/28/06	AMEND: 1644
05/15/06	ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7	02/27/06	AMEND: 3637, 3638, 3639, 3640, 3642, 3646
05/12/06	AMEND: 19819, 19851	02/22/06	ADOPT: 8397.14, 8397.15, 8397.16 AMEND: 8354, 8397.12
04/28/06	AMEND: 51026, 53206, 54024, 54100, 54616, 54700, 54706, 55005, 55160, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55401, 55403, 55404, 55512, 55522, 55530, 55605, 55675, 55753.5, 55753.7, 56000, 56050, 56062, 56200, 56201, 56202, 56204	02/14/06	AMEND: 31100
04/04/06	AMEND: 11704	02/09/06	ADOPT: 296.0 296.1, 296.2, 296.3, 296.4 AMEND: 290.1, 291.1, 291.2, 291.3, 291.4, 291.5, 292.0, 293.0, 295.0
04/04/06	AMEND: 42920	02/09/06	AMEND: 15201, 15300, 15400, 15400.2, 15402.4, 15450.1, 15452, 15454, 15463
03/16/06	ADOPT: 15566, 15567, 15568, 15569	Title 9	
03/16/06	ADOPT: 1207.1, 1207.2 AMEND: 1204.5	06/07/06	ADOPT: 10056, 10057
03/15/06	AMEND: 51000, 51022, 51023, 51100, 51102, 53407, 53410.1, 53413, 53501, 54010, 54041, 54050, 54200, 54220, 54300, 54600, 54604, 54608, 54610, 54612, 54626, 54630, 55002, 55231, 55402, 55405, 55534, 55600, 55602, 55630, 55720, 55729, 55756.5, 55761, 5580	05/24/05	ADOPT: 3400
02/17/06	ADOPT: 19827 AMEND: 19814, 19814.1, 19851, 19853	05/19/06	ADOPT: 1810.100, 1810.110, 1810.200, 1810.201, 1810.202, 1810.203, 1810.203.5, 1810.204, 1810.205, 1810.205.1, 1810.205.2, 1810.206, 1810.207, 1810.208, 1810.209, 1810.210, 1810.211, 1810.212, 1810.213, 1810.214, 1810.214.1, 1810.215, 1810.216
Title 8		04/19/06	AMEND: 10000, 10010, 10015, 10020, 10025, 10030, 10035, 10040, 10045, 10050, 10055, 10060, 10065, 10070, 10080, 10085, 10090, 10095, 10105, 10110, 10115, 10120, 10125, 10130, 10140, 10145, 10150, 10155, 10160, 10165, 10170, 10175, 10185, 10190, 10195
06/30/06	AMEND: 9793, 9795	Title 10	
06/26/06	ADOPT: 6858 AMEND: 6505, 6533, 6551, 6552, 6755, 6845, 6657 REPEAL: 6846	06/30/06	ADOPT: 2194.9, 2194.10, 2194.11, 2194.12, 2194.13, 2194.14, 2194.15, 2194.16, 2194.17
06/06/06	AMEND: 5155	06/19/06	AMEND: 2318.6, 2353.1, 2354
05/25/06	AMEND: 4650	06/05/06	AMEND: 3528
04/19/06	AMEND: 3395		
04/17/06	AMEND: 2320.4(a)(3)		
04/11/06	ADOPT: 32613 AMEND: 32130, 32135, 32140, 32155, 32190, 32325, 32350, 32400, 32450, 32500, 32602, 32604,		

06/01/06 ADOPT: 2695.1(g), 2695.14 AMEND: 2695.1, 2695.2, 2695.7, 2695.8, 2695.9, 2695.10, 2695.12

05/25/06 ADOPT: 2188.23, 2188.24, 2188.83 AMEND: 2186.1, 2188.2, 2188.6, 2188.8

05/18/06 AMEND: 2498.6

04/28/06 ADOPT: 2670.1, 2670.2, 2670.3, 2670.4, 2670.5, 2670.7, 2670.8, 2670.9, 2670.10, 2670.11, 2670.12, 2670.13, 2670.14, 2670.15, 2670.17, 2670.18, 2670.19, 2670.20, 2670.21, 2670.22, 2670.23, 2670.24

04/20/06 AMEND: 2498.5

04/18/06 AMEND: 2498.4.9

04/18/06 AMEND: 2498.4.9

03/30/06 AMEND: 2698.52(c), 2698.53(b), 2698.56(c)

03/24/06 REPEAL: 2546, 2546.1, 2546.2, 2546.3, 2546.4, 2546.5, 2546.6, 2546.7, 2546.8

03/24/06 ADOPT: 2498.6

03/09/06 AMEND: 2697.6

02/28/06 ADOPT: 2713, 2715.5, 2797, 2841.5, 3012.3 AMEND: 2716.5, 2770, 2791, 2792.32, 2795.1, 2846.1, 2846.5, 2846.7, 2849.01, 2930 REPEAL: 2708, 2709, 2821, 2822

02/27/06 AMEND: 2632.5 (c) (1) (A)

02/09/06 AMEND: 2699.6600

Title 11

06/28/06 ADOPT: 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4030, 4031, 4032, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4045, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066,

06/28/06 ADOPT: 4400(ll), 4400(mm), 4401.1, 4406 AMEND: 4440.3 REPEAL: 4400(l), 4406

05/23/06 AMEND: 1002(c)

05/22/06 REPEAL: 2033

05/22/06 AMEND: 968.44, 968.46

05/12/06 AMEND: 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910

03/15/06 AMEND: 351, 357, 371, 376, 377, 378, 380

02/22/06 AMEND: 51.19

02/09/06 AMEND: 1001, 1015 REPEAL: 1020, 1021

Title 12

04/10/06 AMEND: 453.1

Title 13

06/30/06 ADOPT: 85.00, 85.02, 85.04, 85.06, 85.08

06/29/06 AMEND: 345.16

06/16/06 AMEND: 2023.4

06/15/06 AMEND: 1239

05/22/06 ADOPT: 86500, 86501

05/22/06 AMEND: 425.01

05/18/06 ADOPT: 550.20 AMEND: 551.11, 551.12

05/02/06 ADOPT: 345.07 AMEND: 345.06

04/04/06 AMEND: 423.00

03/24/06 AMEND: 590

03/24/06 AMEND: 156.00

02/22/06 AMEND: 345.39, 345.45, 345.56, 345.78

02/22/06 ADOPT: 225.35 AMEND: 225.03, 225.09, 225.12, 225.18, 225.21, 225.42, 225.45, 225.48, 225.51, 225.54, 225.72

02/15/06 ADOPT: 1971.1

02/14/06 ADOPT: 152.00, 190.03, 268.10, 268.12, 280.12, 285.06, 292.06, 340.13 AMEND: 330.08, 345.65 REPEAL: 330.10, 345.67

Title 14

06/30/06 AMEND: 360, 361, 362, 363, 364

06/30/06 AMEND: 11900

06/29/06 AMEND: 851.23

06/23/06 AMEND: 1220

06/16/06 AMEND: 895, 895.1, 1038, 1038(f)

06/08/06 AMEND: 746

06/05/06 AMEND: 791.7, Form FG OSPR-1972

05/26/06 AMEND: 670.2

05/23/06 AMEND: 401

05/17/06 AMEND: 182

05/11/06 AMEND: 27.80

05/08/06 ADOPT: 1299

04/21/06 AMEND: 27.60, 28.59

04/17/06 AMEND: 791.7, 793, 795

04/11/06 AMEND: 18454, 18456, 18456.3, CIWMB form 60

04/10/06 AMEND: 630

04/03/06 ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72

04/03/06 ADOPT: 4970, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07,

	4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04	05/30/06	AMEND: 3340.1, 3340.16, 3340.16.5, 3340.17, 3340.41 REPEAL: 3340.16.6
03/28/06	AMEND: 187	05/22/06	AMEND: 152
03/27/06	AMEND: 163.1	05/12/06	AMEND: 1388, 1388.6, 1389, 1392
03/22/06	AMEND: 119, Appendix A	05/01/06	AMEND: 8.1, 12, 12.5, 21, 69
03/20/06	ADOPT: 5.81, 27.92 AMEND: 5.80, 27.60, 27.90, 27.95	04/17/06	AMEND: 3353
03/20/06	AMEND: 27.82	04/17/06	AMEND: 1399.465
03/02/06	ADOPT: 1.60, 1.61, 1.93 AMEND: 1.71	03/29/06	ADOPT: 1399.159.01 AMEND: 1399.159, 1399.159.1 REPEAL: 1399.159.4
03/01/06	AMEND: 851.23	03/21/06	AMEND: 1914, 1918, 1920, 1950, 1983, 1991, 1993, 1998
02/23/06	AMEND: 2000, 2090, 2105, 2110, 2401, 2420, 2425, 2430, 2501, 2530, 2535, 2540, 2850	03/14/06	REPEAL: 1530
02/10/06	AMEND: 895, 895.1, 1038, 1038(f)	03/13/06	ADOPT: 1399.25
02/09/06	ADOPT: 18459.1.2, Forms 203, 204 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18457, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 18462, 18463, 18464, 18466, Penalty Tables 1&2	03/13/06	ADOPT: 1034.1 AMEND: 1021, 1028, 1034
02/08/06	AMEND: 2310	03/13/06	REPEAL: 1515
Title 15		03/10/06	AMEND: 3062.1, 3063.1
06/27/06	AMEND: 3341.5	03/10/06	AMEND: 1566, 1566.1
06/09/06	ADOPT: 3040.2 AMEND: 3000, 3040, 3041, 3043, 3043.3, 3043.4, 3043.5, 3043.6, 3044, 3045, 3045.1, 3045.2, 3045.3, 3075	03/09/06	AMEND: 3351.3 and 3351.4
06/06/06	AMEND: 3173.1	03/02/06	ADOPT: 2524.1, 2579.11
05/25/06	AMEND: 3040.1, 3341.5, 3375, 3375.3, 3378	02/27/06	AMEND: 1043, 1043.1, 1043.2, 1043.3, 1043.4, 1043.6
05/22/06	ADOPT: 3043.7 AMEND: 3043.1, 3327, 3328	02/24/06	AMEND: 3008, 3031, 3062.1
05/16/06	AMEND: 3999.2	02/21/06	AMEND: 1833.1, 1870, 1870.1
05/16/06	AMEND: 3999.1.10, 3999.1.8	02/07/06	ADOPT: 1379.19
05/01/06	AMEND: 2510, 2511, 2512, 2513	Title 17	
04/24/06	ADOPT: 3054.1, 3054.2, 3054.3, 3054.4, 3054.5, 3054.6 AMEND: 3050, 3051, 3052, 3053, 3054	07/05/06	AMEND: 95000, 95001, 95002, 95003, 95004, 95005, 95006, 95007
03/27/06	AMEND: 3176.3	05/15/06	AMEND: 60201
Title 16		04/20/06	ADOPT: 93119
07/03/06	AMEND: 1399.152, 1399.156.4	04/17/06	AMEND: 70100, 70100.1, 70200, Incorporated Documents
06/26/06	ADOPT: 1304.5	04/10/06	ADOPT: 30346.11, 30346.12 AMEND: 30345.2, 30346.6, 30348.3
06/14/06	AMEND: 2537, 2537.1	Title 18	
06/05/06	ADOPT: 2608	06/23/06	ADOPT: 140, 140.1, 140.2, 143
06/05/06	AMEND: 2630, 2630.1	04/24/06	ADOPT: 19591 AMEND: 19513, 19524
06/05/06	AMEND: 3303	04/20/06	AMEND: 4905
06/01/06	ADOPT: 137	04/20/06	AMEND: 1707
05/31/06	ADOPT: 869.9 AMEND: 868, 869	02/09/06	AMEND: 4055, 4056, 4057, 4058, 4059, 4060, 4061
		Title 19	
		07/05/06	AMEND: 3062.1, 3063.1
		Title 20	
		06/22/06	AMEND: 1601, 1602, 1604, 1605.3, 1607
		Title 22	
		06/12/06	AMEND: 51215.6, 51321, 51323, 51535.1, 51542, 51546 REPEAL: 51124.1, 51215.4, 51335.1, 51511.3
		06/05/06	ADOPT: 66260.201 AMEND: 66260.10, 66261.9, 66273.1, 66273.3, 66273.6

	66273.8, 66273.9, 66273.12, 66273.13,	03/09/06	ADOPT: 12900
	66273.14, 66273.20, 66273.32,	03/07/06	AMEND: 100058, 100066, 100078,
	66273.33, 66273.34, 66273.40,		100079
	66273.51, 66273.53, 66273.56,	02/02/06	AMEND: 97170, 97172, 97174, 97178,
	66273.82, 66273.83, 66273.90,		97180, 97184, 97188, 97190, 97198
	Appendix X to Chapter 11		
05/19/06	AMEND: 12805	Title 23	
05/18/06	ADOPT: 64400.38, 64400.40, 64400.45,	06/30/06	ADOPT: 3949
	64400.47, 64400.67, 64401.65,	04/25/06	ADOPT: 3948
	64401.82, 64401.92, 64468.5, 64530,	04/25/06	ADOPT: 2919
	64531, 64533, 64533.5, 64534, 64534.2,	04/10/06	ADOPT: 2917 AMEND: 2914.5
	64534.4, 64534.6, 64534.8, 64535,	03/28/06	ADOPT: 3944.2
	64535.2, 64535.4, 64536, 64536.2,	03/22/06	ADOPT: 2814.20, 2814.21, 2814.22,
	64536.4, 64536.6, 64537, 64537.2,		2814.23, 2814.24, 2814.25, 2814.26,
	64537.4		2814.27, 2814.28, 2814.29, 2814.30,
05/17/06	ADOPT: 4429 AMEND: 4409, 4400(hh)		2814.31, 2814.32, 2814.33, 2814.34,
	REPEAL: 4400(ii)		2814.35, 2814.36, 2814.37
05/12/06	ADOPT: 64442, 64443, 64447.3	03/13/06	ADOPT: 3939.21
	AMEND: 64415 REPEAL: 64441,	02/01/06	ADOPT: 3989.3
	64443	Title 25	
05/10/06	ADOPT: 50960.2, 50960.4, 50960.6,	05/15/06	AMEND: 6932
	50960.9, 50960.12, 50960.15, 50960.21,	04/24/06	AMEND: Adding a title to Ch. 7,
	50960.23, 50960.26, 50960.29,		Subchapter 21
	50960.32, 50960.34, 50960.36, 50961,	02/07/06	AMEND: 10001
	50965 AMEND: 50962, 50963, 50964		
	REPEAL: 50960, 50961	Title 27	
05/08/06	AMEND: 96010	06/13/06	AMEND: 15241, 15242
04/20/06	AMEND: 70577, 70717, 71203, 71517,	Title 28	
	71545	06/26/06	ADOPT: 1300.67.24 REPEAL:
04/19/06	ADOPT: 4400(kk) REPEAL: 4414		1300.67.24
04/12/06	AMEND: 4416	Title MPP	
03/24/06	ADOPT: 110056, 110060, 100604,	06/26/06	AMEND: 30-757, 30-761
	110100, 110112, 110116, 110124,	04/03/06	AMEND: 11-501, 42-302, 42-701,
	110144, 110148, 110156, 110160,		42-711, 42-712, 42-713, 42-715,
	110168, 110204, 110224, 110228,		42-716, 42-718, 42-719, 42-720,
	110232, 110244, 110248, 110246,		42-721, 42-722, 42-802, 42-1009,
	110280, 110288, 110296, 110307,		42-1010, 44-111, 63-407 REPEAL:
	110311, 110315, 110319, 110323,		42-710
	110347, 110355, 110383, 110410	02/10/06	AMEND: 63-103.2, 63-300.5,
03/23/06	AMEND: 926-3, 926-4, 926-5		63-402.229, 63-503.441, 63-509(b),
03/20/06	AMEND: 66264.147, 66264.151,		63-509(c), 63-801.737(QR)
	66265.147		